



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

19 September 2016

Trial Day 457

ឯកសារដើម

ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 30-Jan-2017, 14:02

CMS/CFO: Sann Rada

Before the Judges: YA Sokhan, Presiding
Claudia FENZ
Jean-Marc LAVERGNE
THOU Mony
YOU Ottara
Martin KAROPKIN (Reserve)
NIL Nonn (Absent)

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Doreen CHEN
LIV Sovanna
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
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TY Srinna
VEN Pov

For Court Management Section:
UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|---------------------------------|----------|
| Ms. CHEN | English |
| Judge FENZ | English |
| The GREFFIER | Khmer |
| Ms. GUIRAUD | French |
| Ms. GUISSE | French |
| Ms. HENG Lai Heang (2-TCCP-251) | Khmer |
| Mr. KONG Sam Onn | Khmer |
| Judge LAVERGNE | French |
| Mr. LIV Sovanna | Khmer |
| Ms. PATEL | English |
| Mr. PICH Ang | Khmer |
| Mr. SENG Leang | Khmer |
| Ms. TY Srinna | Khmer |
| The President (YA Sokhan) | Khmer |

1

1 PROCEEDINGS

2 (Court opens at 0908H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 Today, the Chamber will hear testimony of a civil party,

6 2-TCCP-251, via a video link in relation to Regulation of

7 Marriage. And after that, we'll continue to hear the remaining

8 testimony of Civil Party Mom Vun.

9 Ms. Se Kolvuthy, please report the attendance of the parties and
10 other individuals to today's proceedings.

11 [09.10.02]

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all parties to this case
14 are present.

15 Mr. Nuon Chea is present in the holding cell downstairs. He has
16 waived his right to be present in the courtroom. The waiver has
17 been delivered to the greffier.

18 The civil party who is to testify today, that is, 2-TCCP-251,
19 will testify via video link from Pailin province. And Madam Mom
20 Vun is also present to be called by the Chamber.

21 Thank you.

22 [09.10.51]

23 MR. PRESIDENT:

24 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
25 request by Nuon Chea.

2

1 The Chamber has received a waiver from Nuon Chea, dated 19
2 September 2016, which states that, due to his health, that is,
3 headache, back pain, he cannot sit or concentrate for long. And
4 in order to effectively participate in future hearings, he
5 requests to waive his right to be present at the 19 September
6 2016 hearing.

7 He advises that his counsel advised him about the consequence of
8 this waiver, that in no way it can be construed as a waiver of
9 his rights to be tried fairly or to challenge evidence presented
10 to or admitted by this Court at any time during this trial.

11 Having seen the medical report of Nuon Chea by the duty doctor
12 for the accused at the ECCC, dated 19 September 2016, which notes
13 that Nuon Chea has a chronic back pain and feels numb on his
14 <right> hand and it becomes severe when he sits for long and
15 recommends that the Chamber shall grant him his request so that
16 he can follow the proceedings remotely from the holding cell
17 downstairs.

18 Based on the above information and pursuant to Rule 81.5 of the
19 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
20 follow today's proceedings remotely from the holding cell
21 downstairs via an audio-visual means.

22 [09.12.41]

23 The Chamber instructs the AV Unit personnel to link the
24 proceedings to the room downstairs so that Nuon Chea can follow.
25 That applies for the whole day.

3

1 And the Chamber will now hear testimony of a civil party,

2 2-TCCP-251, via video link.

3 And Court officer, please confirm whether the link has been
4 established.

5 QUESTIONING BY THE PRESIDENT:

6 Q. Good morning, Civil Party.

7 MS. HENG LAI HEANG:

8 A. Good morning, Your Honour. Good morning, everyone.

9 Q. What is your name?

10 A. My name is Sa Lai Heang.

11 [09.13.45]

12 Q. When were you born?

13 A. I was born on 3rd June 1950.

14 Q. Where were you born?

15 A. I was born in Kratie province in <Kratie> district.

16 Q. What is your current address?

17 A. I live in Pailin city.

18 Q. What is your current occupation?

19 A. My children are looking after me, and I stay at home.

20 Q. What are the names of your parents?

21 A. My father is Sa Chanheng, deceased; and my mother is Phan Nget

22 . She's an elderly woman.

23 [09.14.58]

24 Q. What is the name of your husband, and how many children do you
25 have?

4

1 A. My husband is Soeng Chay, and we have one child who passed
2 away.

3 Q. Thank you.

4 And Madam Heng Lai Heang, you are called to testify as a civil
5 party in the proceedings before this Chamber, and toward the end
6 of your testimony you will have an opportunity to make a victim's
7 impact statement in relation to harms and suffering that were
8 inflicted upon you during the period of Democratic Kampuchea, if
9 you intend to do so.

10 And Madam Civil Party, have you been interviewed by investigators
11 from the Office of the Co-Investigating Judges? If so, how many
12 times, when and where?

13 [09.16.07]

14 A. About seven or eight years ago, I was interviewed in
15 Mondolkiri province. And it happened for one time, and later on,
16 I was interviewed by teacher Chen Thou (phonetic). And on another
17 occasion, I was interviewed by a working group from the Court.

18 Q. Thank you. And before you appear before this Chamber, have you
19 read or reviewed the previous statement with the investigator in
20 order to refresh your memory?

21 A. I read it yesterday, and early this morning I also read it
22 again. But allow me to say that I cannot recall everything.

23 Q. Thank you.

24 And to your best knowledge and recollection, can you tell the
25 Chamber whether the written record of your interview that you

5

1 have read in order to refresh your memory is consistent with what
2 you told the investigator?

3 A. I reviewed it, and it is consistent.

4 [09.17.30]

5 MR. PRESIDENT:

6 Thank you.

7 And pursuant to Rule 91bis of the ECCC Internal Rules, the
8 Chamber gives the floor first to the Lead Co-Lawyers for civil
9 parties to question the civil party. And the combined time for
10 the Lead Co-Lawyers and the Co-Prosecutors are two sessions.
11 And you may proceed, Lead Co-Lawyer for civil parties.

12 MR. PICH ANG:

13 Good morning, Mr. President. Good morning, Judges. I'd like to
14 seek your permission to allow Ty Srinna, lawyer for civil
15 parties, to question this civil party.

16 MR. PRESIDENT:

17 Yes, you may proceed.

18 [09.18.20]

19 QUESTIONING BY MS. TY SRINNA:

20 Thank you, Your Honour, and good morning, Mr. President, Judges,
21 and everyone in and around the courtroom.

22 Q. And good morning, Madam Sa Lai Heang. Can you see me on the
23 screen?

24 My name is Ty Srinna. I'm a lawyer for civil parties, and I will
25 put some questions to you.

6

1 First, I'd like to ask you about some backgrounds.

2 Can you tell the Chamber where you lived before 17 April 1975,
3 and what you did at that time?

4 MS. HENG LAI HEANG:

5 A. Before 1975, I lived at home for a year, and then I joined the
6 revolutionary movement in 1971.

7 Q. You said that you lived at home, can you tell us where you
8 lived?

9 A. It was in Kantuot village, Kantuot commune in Kratie province.
10 It is now known as Cham Borei district (phonetic), not Kracheh
11 district any more.

12 [09.20.20]

13 Q. And what was the living condition of your family at the time?

14 A. We joined in the communal farming, and later on we were
15 integrated into cooperative. We ate communally and we worked
16 communally.

17 Q. And how many siblings do you have?

18 A. Two sisters and two brothers, and my siblings were young when
19 I left. And later on, they were gathered when my younger brothers
20 were instructed to herd cattles, and my younger sisters were to
21 collect cow dung.

22 Q. Allow me to clarify one point with you. Is what you said took
23 place before 1975?

24 A. Yes.

25 Q. A while ago, you mentioned that you joined the revolutionary

7

1 movement in 1971. And how old were you at the time?

2 A. <At that time,> I was 18 years old.

3 [09.21.55]

4 Q. Were you married at the time?

5 A. No. I just finished my schooling.

6 Q. And when you joined the revolutionary movement, can you tell
7 the Chamber as to which unit you joined or which division you
8 joined? Can you describe the circumstances?

9 A. I joined the revolutionary movement and, at that time, the
10 Khmer Rouge remained living in the jungle and there was no formal
11 division. At that time, they did not come to the villages yet, so
12 I joined the movement, and there was no proper organization.
13 <There were leaders.> Some of us worked as messengers, but there
14 was no particular unit that we belonged to.

15 Q. And who actually introduced you to the revolutionary movement?

16 A. There were those people who came down from the jungle to
17 appeal to us to join the movement in order to liberate the
18 country and the people. As I said, there were those people who
19 came to appeal to men and to appeal to us, but I do not recall
20 their names.

21 [09.23.30]

22 Q. Please, try to recall their names and their positions.

23 A. I only recall that Comrade Kong (phonetic) was the one who
24 stationed at the base, and he was a member of the sector
25 committee.

8

1 Q. And were you given any particular position or function?

2 A. Please, repeat your question.

3 Q. When you joined the revolutionary movement, were you given any
4 particular function or role and, if so, what was it?

5 A. At the beginning, I did not have any position. I was simply a
6 member in their group. No specific function was given to me at
7 that time.

8 [09.24.55]

9 Q. So what were your assignments when you joined that movement?

10 A. I was assigned to remain living in the village to encourage
11 the youth to love common work and to work communally, namely, to
12 grow vegetables in order to bring in the perception of living
13 together communally.

14 Q. And during the period that you joined the movement, did you
15 witness any particular event?

16 A. I do not understand your question.

17 Q. Allow me to rephrase it. When you joined the revolutionary
18 movement, did you come across any particular event?

19 A. No. At that time, there was no event of particular that I
20 recall.

21 (Technical problem)

22 [09.26.45]

23 MR. PRESIDENT:

24 AV Unit personnel, please check the link. It seems that it's
25 frozen.

9

1 (Short pause)

2 [09.28.30]

3 MR. PRESIDENT:

4 Lawyer for civil parties, you may resume your questioning since
5 the link has been established.

6 BY MS. TY SRINNA:

7 Thank you.

8 Q. And Madam Civil Party, do you recall my last question?

9 MS. HENG LAI HEANG:

10 A. Yes, I do.

11 Q. Please, respond, then, to my last question.

12 A. Please, repeat your last question.

13 [09.29.20]

14 Q. My question is this. When you joined the revolutionary
15 movement, did you come across any event of particular, and that
16 is, before 17 April 1975?

17 I'd like to ask for the period between the time you joined the
18 movement and until 17 April 1975. During this period, did you
19 come across any events of particular?

20 A. You want to ask about period between <1975> to <1970> (sic)?

21 Q. I refer to the time that you joined the revolutionary movement
22 in 1971 up to the period of 17 April 1975. During this period,
23 did you come across any particular event? If so, could you please
24 describe to the Chamber?

25 A. At that time, I did not know how to analyze or to follow the

10

1 situation since I was pretty young, and I just went along with
2 others who joined the revolutionary movement.

3 Q. Now I focus my question on the 17 April 1975. On that
4 particular day, where was your family?

5 A. In 1975, my -- are you referring to my parents' family or my
6 family?

7 [09.31.12]

8 Q. I refer to both your families and your parents' family. Did
9 you live together at that time?

10 A. No, we were separated. My parents lived in our native home
11 village. As for my siblings, they were assigned to do what is
12 tasked, for example, to herd cattles. And as for me, I went to a
13 distant place. I had already joined the movement, and it was far
14 from my native village.

15 Q. What about on the 17 April 1975? Where were you at that time?
16 When the Khmer Rouge entered the place, where were you? Did you
17 join with them, or what?

18 A. Can you clarify the date again? Can you clarify the date?

19 Q. I want to know that -- what happened on 17 April of 1975? Did
20 you know what happened?

21 A. Before the liberation day of Phnom Penh, are you referring to
22 that day?

23 [09.33.00]

24 Q. Yes, that is the day that Phnom Penh was liberated. That was
25 on 17 April 1975.

11

1 Where were you and what did you do?

2 A. Before the liberation day, I was in Kratie town. They
3 organized an event. It was an assembly to send soldiers to
4 reinforce with the soldiers already around Phnom Penh to liberate
5 Phnom Penh.

6 Q. After the soldiers had already liberated, and then what was
7 you assigned to do next?

8 A. After the liberation, I was based <> at the village and
9 commune. I participated in the productions of rice and engaged in
10 many agricultural works.

11 Q. Because you were a member in the revolutionary movement, I
12 want to know whether you were assigned to do something beside
13 your core responsibility.

14 A. At that time, I was assigned to be in charge of the base <> at
15 the village and commune level.

16 Q. So when were you arranged to get married?

17 A. It was in 1976.

18 [09.35.56]

19 Q. When you were arranged to get married in 1976, it was arranged
20 by your parents, or what? Can you elaborate on this?

21 A. At that time, my parents did not participate in
22 decision-making, but it was the supervisors who did that.

23 Q. You said that you were arranged to get married by other
24 people, so who were those people who arranged your marriage?

25 A. It was the committee of the sector.

1 Q. So what were the <> sectoral committees involved, and what
2 were the names of those people?

3 A. Those people were Yi.

4 Q. Can you repeat your answer? When you said that the committee
5 of the sector arranged your marriage, so what was the sector?

6 A. At that time, it was called Sector 505 in the Northeast Zone.

7 [09.37.55]

8 Q. What about Yi? Who was Yi, and what was his position?

9 A. Initially, he was -- he was in charge of the economy. And
10 before that, there was Yem. Yem was the chief. And after Yem was
11 removed <to the Korean Embassy>, Yi was put in charge of it.

12 Q. Now I would like to get your clarification that when you were
13 assigned to get married, was it your decision? Was it
14 voluntarily?

15 A. I had no rights to refuse. I had to follow the order or the
16 arrangement by them. Even though my supposed spouse was a blind
17 person or handicapped person, I had to follow.

18 Q. Before you were arranged to get married, were you informed
19 beforehand, for example, about which man you would be married to?
20 Was there any meeting to inform you beforehand?

21 A. At that time, they also asked me, but I refused. But later on,
22 they insistently asking me. They kept on -- they kept on asking
23 me and they said that I was a stubborn person. And after I heard
24 that word, I felt frightened. I felt concerned about my own
25 safety, and that's why I agreed to accept whatever they arranged.

13

1 [09.40.32]

2 Q. So who told you or asked you about the marriage, and what did
3 that person ask you about?

4 A. <> Please repeat your question.

5 Q. Who told you about the marriage? What was the name of that
6 person, and what was his or her position?

7 A. It was Comrade Kuon who was a member of the sector committee.
8 <He was in charge of military.>

9 Q. I would like you to clarify a little bit because earlier, you
10 mentioned that the sector committee include Yi and Kuon and other
11 members who collectively told you about your proposed marriage.
12 So could you tell us about the events or the process about their
13 telling you about your marriage, whether they told you at your
14 home or at a meeting?

15 A. At that time, they did not come directly to tell me. They
16 conveyed the message through the commune committee because, at
17 that time, I worked in the commune cooperatives and I was closer
18 to the commune committee.

19 [09.42.35]

20 Q. Can you tell us about the exact words that they used to tell
21 you?

22 A. They asked me to come to meet them, and they said, "Comrade,
23 now we arrange marriage for you. You would be arranged to get
24 married to this comrade or that comrade." And that was what they
25 said.

14

1 Q. When they first told you about your marriage, how did you
2 feel, and were you happy with what they told you?

3 A. No, I was not happy, but I did not know what to do because, at
4 that time, if we were stubborn, we would be accused of resisting
5 them and not follow the Party line or not follow the order of the
6 upper echelon. And that's why I had to follow their order.

7 [09.44.00]

8 Q. At that time, did you try to refuse or to oppose because it
9 was different from your heart? Did you try to refuse or oppose
10 the order at that time?

11 A. Yes, I refused several times when they came to ask me, but
12 finally, they used a phrase. They said that the sector committee
13 said that I was a stubborn person, so when I heard this sentence,
14 I was frightened and concerned about my safety.

15 Q. Before you received the information, did you know that in
16 other cases of marriage, were the people married had been
17 informed just like you?

18 A. At that time, I also knew about some other cases for other
19 comrades who were based in other units, whether they were
20 soldiers or civilians. In principle, they were also assigned to
21 get married. For example, this comrade <was> matched with that
22 comrade, so they were informed and then the marriage date was
23 fixed for them.

24 [09.46.10]

25 Q. Now, come back to your story. How many days was it between the

15

1 day that you were told about your marriage and your married day?

2 A. It was about <one> month.

3 Q. So during the one-month period, did they inform your parents
4 about your marriage? Did they seek permission from your parents?

5 A. Because I was in a distant place, they were not aware of this.

6 Q. Now, I focus my question on your marriage day.

7 On your marriage day, did they invite your parents or the parents
8 of your husband to participate in your wedding?

9 A. On my marriage day, I saw them participated in the event. I
10 mean both sides of our parents.

11 [09.47.53]

12 Q. How many couples were married on the same day with yours, and
13 did the wedding ceremony conducted according to the tradition and
14 custom of the Khmer?

15 A. The ceremony in that regime <> was not conducted according to
16 our <Khmer> tradition. People were simply marched in front of the
17 crowd and the couple had to make commitment to live together.

18 Q. After you had made the commitment, what else were you required
19 to do?

20 A. After we had made the commitment, the ceremony ended and then
21 there was a party.

22 Q. Now, I would like to clarify with you a little bit since you
23 were a member of the revolution related to the wedding ceremony.

24 Did they make the distinction between, for example, the cadre
25 were matched with cadre, New People were matched with New People,

16

1 Base People were matched with Base People? Were you informed or
2 aware of such cases?

3 A. I did not witness such cases. Based on my observations since
4 we were living in separate villages, we were not aware of what
5 happened in other places.

6 [09.50.55]

7 Q. Now I would like to jog your memory. Can you recall about the
8 conditions of marriage? Were there any conditions regarding
9 marriage, especially about the matchings of couples?

10 A. I did not know much about those conditions. What I knew was
11 that if people were matched to marry, they had to follow the
12 order, and that was it. I did not see any other conditions beside
13 that.

14 Q. After your marriage, did Angkar provide good conditions for
15 your newlywed couples?

16 A. No. No, it was just normal.

17 Q. After your marriage, were you required to consummate your
18 marriage and, if so, were you monitored by the militiamen?

19 A. For those who agreed with each other, they were not monitored.
20 But for those who did not get along with each other, they were
21 monitored and investigated. They were followed and they would be
22 called to reprimand or re-educated.

23 [09.53.55]

24 Q. What about your case? Were you monitored just like what you
25 said earlier?

17

1 A. For my own case, I was not monitored because I remained
2 silent, although I were not happy with my marriage, although I
3 did not get along well, but I remained silent.

4 Q. I would like you to clarify a bit about your marriage. You
5 said that you did not get along well, but you remained silent.
6 You chose to remain silent because it was related to your life.
7 And why did -- why <did you remain silent when you> didn't get
8 along well with each other?

9 A. I would like to tell you that, in that regime, we had to
10 follow the assignment. Whatever assigned to us, we had follow. If
11 we opposed, we would be accused of being a stubborn person, and
12 those were the kinds of accusation.

13 Q. You said that <> if you did not follow their order, you would
14 be in trouble. They would accuse you of this and that.

15 In that -- in that regime, were there cases of other people who
16 opposed the order, and what happened to those people?

17 [09.56.18]

18 A. Yes, there were such cases. For those who refused or did not
19 follow the order, they would be called to be reprimanded, but I
20 did not hear it myself about the exact words they used to
21 reprimand those people. But after they had been reprimanded,
22 there were some cases of people who committed suicide by taking
23 poisonous medicines or they drown themselves in water.

24 Q. Can you tell us about those people who committed suicide by
25 taking poisonous medicine or jumping into the water to drown

18

1 themselves?

2 A. The reasons that they committed suicide <were> because they
3 were forced to get married. The marriage did not follow their own
4 voluntary decision, and worse -- worse still, they were
5 threatened so, together, it forced them to commit suicide.

6 Q. Regarding the information about those who committed suicide,
7 how did you know it or who told you about that?

8 A. I did not witness the incident myself, but there were other
9 people who heard about such incidents, told those incident to me.

10 [09.58.35]

11 Q. Now my question is about you. After you got married, did they
12 treat your family well? Because it seems that Angkar was your
13 guardian because they were the one who arranged your marriage. So
14 after your marriage, were you supported and were other couples
15 also supported well?

16 A. After my marriage, during that regime, couples who got along
17 with each other or not, they lived together briefly and then they
18 were separated to work in their respective worksites. For
19 example, my husband went to the Public Work and Transport
20 Ministry, while I remained at my village and commune base.

21 Q. What was the name of your husband, and what was his position?

22 A. His name was Soeng Chay alias Chhay. He was in charge of
23 repairing bridges <> within the sector because all the bridges
24 after <Lon Nol regime from> 1970 to 1975 <> were cut off. So his
25 force was in charge of repairing those bridges, <no matter if

1 they were> short or long, <small or big>, they needed to be
2 repaired.

3 [10.01.10]

4 Q. Did you continue to live with him after you got married?

5 A. No, I did not. I only stayed with him for two days. Then he
6 went <back> to his unit and I remained living and working in my
7 own unit.

8 Q. And how long after you got married did you became pregnant?

9 A. It <was> about a year after I got married I became pregnant,
10 and later on I delivered my child. However, the child passed
11 away, as I indicated earlier.

12 Q. During your pregnancy, can you describe to the Chamber what
13 happened to you?

14 A. Which event are you referring to?

15 Q. During the period of your pregnancy, did anything or did any
16 event happen to you?

17 A. There was nothing happened to me during my pregnancy. I was
18 living in the same condition as other people, and nothing serious
19 happened to me during that period.

20 [10.03.00]

21 Q. So you said that nothing serious happened to you during your
22 pregnancy. And when actually something happened to you, and how
23 did it happen?

24 Please try to describe in details regarding this event.

25 A. Regarding events that were serious that happened to me was

1 when my husband was arrested. As a wife, I was accused of linking
2 to a traitor, that is, my husband. And for that reason, I was
3 gathered to stay at one place to isolate from others so nobody
4 came to visit me. And if people wanted to come and see me, they
5 had to secretly come <at night> to see me and without letting
6 other people know about it. And they only came briefly and then
7 they left.

8 And that was the difficult period that I experienced because at
9 that time, I was with my young baby. At that time, there were
10 other women, and for one meal we were given one can of rice <for
11 four people>. And when we had to work, then our children were
12 under the care of two elderly women. <They had to take care of 10
13 children.> The situation was very difficult.

14 [10.05.13]

15 And the two women did not only have to take care of our children,
16 they had to take care of their children, too. And for that
17 reason, they could not properly take care of our children.
18 Children cried and those elderly women had to pick one up while
19 the other cried.

20 And I, myself, had to pull weeds and clear the grass at the
21 plantation. And I could only return to see my child at 11
22 o'clock, and at that time, I saw my child was together with some
23 other children playing on the ground without any mat.

24 Q. In what year was your husband arrested, and do you know the
25 reason for his arrest?

21

1 A. He was arrested in 1978, and I did not know the reason for his
2 arrest because he worked at Ministry of Public Works, and he had
3 no connection with the military at all. His work was to carry
4 timber for building road and bridges, but he was accused of being
5 a traitor, of colluding with the Vietnamese, and he had to repair
6 bridges.

7 Sometimes the torrent was so powerful and it broke a bridge, and
8 because of the damage of the bridge, he was accused of being a
9 traitor. And he was accused of sabotaging the movement of the
10 military, as they could not cross the bridge. They used those
11 pretext to arrest him.

12 [10.07.46]

13 Q. <When you (sic) were arrested, did it happen in front of you?>
14 How did it happen?

15 A. His arrest did not happen before me. He was arrested at his
16 unit, that is, at his ministry while I was at the cooperative. A
17 messenger came with a letter to call him for a study session, and
18 he took off on his bicycle. And from that day onward, he
19 disappeared and never returned.

20 Only later on, after I tried to find out, I received information
21 that he had been arrested. But personally, I did not witness his
22 arrest.

23 [10.08.50]

24 Q. Upon learning that your husband had been arrested, how did you
25 feel?

22

1 A. I find it difficult to describe what happened. It was
2 speechless for me to lose him. Despite the fact that I did not
3 love him, we lived together and we provided warmth to one
4 another. So I was in shock upon hearing that.
5 And at that time, it was only two months after I delivered my
6 baby, and I became sick. I had fever, <my body kept trembling
7 without having> malaria.
8 I could not cry in public, so I had to weep quietly by myself. I
9 did not want them to see me weeping and that I was -- that I
10 still had feeling for a traitor.
11 MR. PRESIDENT:
12 Thank you, lawyer for civil party.
13 The Chamber will take a 20-minute break from now.
14 (Court recesses from 1010H to 1030H)
15 MR. PRESIDENT:
16 Please be seated.
17 Before the hearing of the testimony of 2-TCCP-251, the Chamber
18 issue an oral ruling on the Nuon Chea defence <pursuant to>
19 Internal Rule 87.4 request to admit document related to Lemkin,
20 that is, document E416.
21 [10.31.15]
22 The Trial Chamber is seized of an Internal Rule 87.4 request
23 filed by the Nuon Chea defence on 22 June 2016 to admit four
24 documents into evidence, that is, document E416. The request
25 seeks to admit the following documents:

1 1). Transcripts of interviews with four anonymous witnesses
2 conducted by Mr. Robert Lemkin, that is, 2-TCW-877, and Mr. Thet
3 Sambath, 2-TCW-885, for their film, "Enemies of the People",
4 document F2/4/3/3/6.2.
5 2). Notes written by Mr. Lemkin related to these interviews,
6 document F2/4/3/3.1.
7 3). Mr. Lemkin's Written Record of Interview before the Supreme
8 Court Chamber, document F2/4/3/1.
9 4). An article published by the "Cambodian Daily Weekend" on 18
10 June 2016, document E416/3.1.2.
11 [10.32.54]
12 On 8 (sic) June 2016, the Co-Prosecutors filed a response to the
13 request, that is, document E416/1, and the Lead Co-Lawyers filed
14 a response on 4 July 2016, that is, document E416/2. The Nuon
15 Chea defence replied to the Co-Prosecutor's response on 5 July
16 2016, that is, document E416/3.
17 Having considered the submissions by the parties, the Trial
18 Chamber finds that Mr. Lemkin's Written Record of Interview,
19 document F2/4/3/1, has already been admitted into evidence in
20 Case 002/02 under document number E3/9620. The request in
21 relation to this document is, therefore, moot.
22 [10.33.55]
23 With respect to the transcript, that is, document F2/4/3/3/6.2,
24 the Chamber admits into evidence only the interview of witness
25 identified as W-2, who is believed to be Toat Thoeun, 2-TCW-829,

24

1 according to the Supreme Court Chamber decision, <document> F2/9.

2 The Chamber, therefore, admits this excerpt of the transcripts,

3 that is, document F2/9.2, and assigns it document number

4 E3/10665.

5 The Chamber denies the remainder of the Nuon Chea defence request

6 in its entirety, with written reasons to follow.

7 The Chamber now gives the floor to the civil party lawyer to

8 continue putting questions.

9 BY MS. TY SRINNA:

10 Thank you, Mr. President.

11 Q. Good morning, Madam Lai Heang. Now I continue my questions

12 related to your husband.

13 After your husband was arrested, was there anything happened to

14 you or to your family?

15 [10.35.52]

16 MS. HENG LAI HEANG:

17 A. Yes, there were. As I told you earlier, after the loss of my

18 husband,<> I did not know that my husband was sent to death

19 because we were told that he was sent to study. But we did not

20 see his return.

21 We waited for about 10 days, and still he did not return. Fifteen

22 days later, he still did not return, so we tried to seek for

23 information with a young -- with a young boy who worked with him.

24 And he told us that he had been arrested. We were shocked to hear

25 that. And because I had just been delivering the baby, I felt

1 shocked to hear that.

2 The food given to us at the cooperative was not sufficient, so
3 hearing such news was another burden on my health. I <had been>
4 sick <for a long time>. I became skinny, and I did not have
5 enough breast milk to feed my baby.

6 Q. My apology.

7 A little bit earlier, you said that your husband <> was accused
8 of being a traitor. Was that correct?

9 A. Yes, that's correct.

10 [10.38.21]

11 Q. What about you? Were you also accused of the same wrongdoing?
12 Were any of your relatives accused of being a traitor of the
13 revolution?

14 A. At that time when there was something happened to the family
15 member and then the rest of the family were also accused of being
16 connected to the tendency. And as a result, they withdrew the
17 confidence in us. For example, let's say three-fourths of the
18 confidence were <> withdrawn from us, <or they withdrew all
19 confidence in us and we were then only regarded as labour to
20 them>.

21 Q. Related to the case of your husband, did it affect you because
22 you were also a member of the Party? You also -- you were also a
23 member of the revolution.

24 [10.39.57]

25 A. As I told you earlier, if a member of the family were accused

1 of wrongdoing and then the rest of the family were also affected,
2 they withdrew confidence from us.

3 For example, I, myself, became the depositor at the cooperative,
4 so I no longer held any position. Everything that we contributed
5 earlier, for example, contributed to the revolution and
6 liberating the country, those contribution were <then> lost.

7 Q. When they withdrew confidence from you and you became just a
8 normal citizen, did they -- did they impose any specific or
9 special conditions to control you, for example, they monitored on
10 you, they investigated into you? Was that such thing happened to
11 you?

12 A. Yes, there were. They monitored us. They kept on looking at
13 our words, <our behaviour> and our everyday life. Later on, they
14 removed me and placed me at a worksite at Samrang village in
15 Snuol district.

16 It was a worksite specifically assigned for wives of those who
17 were accused of being traitors.

18 Q. So that meant the wives of those husbands who were accused of
19 being traitors, they were put together in one place; is that
20 correct?

21 [10.42.28]

22 A. Yes, that's correct. They were put in one place and they were
23 disconnected from others. They were not allowed to talk to any
24 others people. Although the other people may be people whom we
25 were familiar with, we were not allowed to talk to them.

1 Q. What about the condition of your work?

2 A. Are you referring to the time when we were collected to work
3 there?

4 Q. I referred to your work condition and your living condition of
5 you and of those women whose husband had been accused of being
6 traitors.

7 A. We were collected and put together at one place and regarding
8 the eating and living condition, there were many conditions.

9 <First,> we were not allowed to go out anywhere <besides our
10 assigned worksite> and regarding the eating, our food was also
11 limited; they gave us one tin of rice for four people. And we had
12 to work every day and for anyone of us who did not go out to
13 work, they had to have specific reasons; for example, they were
14 sick or their child was sick and in such cases, their food ration
15 would be reduced. They received only one tin <of rice for> six
16 people.

17 [10.44.46]

18 Q. You said that the woman whose husband were accused of being
19 traitors, so where were they sent to; I mean the name of the
20 worksite?

21 A. It was at Samrang village in Srae Neang (phonetic) commune,
22 Snuol district of Kratie province.

23 Q. What was that place?

24 A. I did not know. That place was located on a small hill; now,
25 it has been transformed as a pagoda. <The halls were already

1 built when we were taken there. The halls were old -->

2 Q. <I am sorry to interrupt you.> Was that place <> a security
3 centre or just an ordinary worksite?

4 A. No, it was not a security centre; it was simply a place where
5 the women were gathered up and I did not know whether they would
6 be sent somewhere else. We were not tortured, but the work
7 conditions were a bit tough because we were required to work both
8 day time and night time.

9 [10.46.37]

10 Q. Were you constantly under monitor by the Khmer Rouge cadres?

11 A. At that worksite, <there were> guards to monitor on us; let's
12 say three or four guards who kept on monitoring on us, especially
13 when we were working and then they told us that now is time for a
14 break and then we could return to our home.

15 Q. When you talk about those guards keeping monitoring you, what
16 was the purpose of their monitoring?

17 A. I did not know the reason why they monitored on us; probably
18 they felt afraid that we would flee. The place where we were
19 placed to work, it was close to a battlefield near the Vietnam
20 border.

21 Q. How many women were gathered up and placed to work there?

22 A. There were more than 30 women, including elderly women and
23 young women. Some of the women <> held the position of unit
24 chiefs. They were also placed to work there.

25 [10.48.30]

1 Q. Besides the arrest of your husband, were there any arrests of
2 other people?

3 A. Could you repeat your question?

4 Q. Besides the arrest of your husband, did other people were also
5 arrested?

6 A. I could not get your question.

7 Q. Beside your husband's arrest, did you know that there were
8 arrests of other people; for example, arrests of cadres or unit
9 chiefs or village chiefs? Were you aware of any arrests?

10 A. After the liberation of Phnom Penh in 1975, in 1976-1977, at
11 that time, the leaders of Sector 505 in Northeast Zone were all
12 arrested. They were all arrested from the senior level up down to
13 the commune level and their places were replaced by new people,
14 <handicapped people> and those new leaders, they were so
15 absolutist; they were so authoritarian.

16 Q. You said that those new people who were put to hold those
17 positions, were authoritarian, so how authoritarian were they?
18 [10.50.38]

19 A. At that time, I had already left, but I received information
20 from other people. They told me that this cadre and that cadre
21 were arrested and their positions were occupied by <handicapped
22 people from the Southwest Zone> and those new people who were put
23 in place spoke with accent <> like people from Takeo province.
24 The old cadres were all arrested and their positions were
25 occupied by new people.

30

1 Q. Did you know the reason why old people in positions from the
2 upper level down to the lower level were arrested?

3 A. Because I had already left the area, I did not know it in
4 detail. What I knew was that people in positions were removed <>
5 and new people were put to replace them and for those who had
6 been removed were accused of being -- colluding with the "Yuon"
7 or <> sabotaging the revolution. <The old cadres were accused of
8 not being absolute in destroying the enemy.>

9 [10.52.26]

10 Q. Did you ever attend any meeting or you, yourself, has ever
11 organized any meeting for members of your unit?

12 A. Are you referring to the worksite or <anywhere> else?

13 Q. Let me reformulate my question.

14 Did you ever attend a meeting or you, yourself, organized any
15 meeting for your unit members, especially during the time when
16 you were a member of the revolution?

17 A. At that time, there was not any important meeting. There was
18 not any important meeting at the sector because we were based at
19 our respective cooperatives.

20 Q. Did you ever participate in self-criticism meeting?

21 A. Yes, <> it was a normal meeting participated by both ordinary
22 people and cadres. <There was a secret meeting every three days.>

23 [10.54.15]

24 Q. Did you ever attend any important or big meetings; if you did,
25 can you elaborate a little bit; for example, how many times were

31

1 those meetings organized? Beside the criticism meetings, were
2 there any other meetings?

3 A. Besides the criticism meetings, there were also meetings about
4 the policy, for example, or the policy to target future work.

5 MR. PRESIDENT:

6 Madam Civil Party Lawyer, have you consulted with the
7 Co-Prosecutor regarding the time allocated to both of your teams
8 <because you have only two sessions>?

9 MS. TY SRINNA:

10 Yes, I already consulted about the time. I will use another 10
11 minutes and then the rest will be given to the Co-Prosecutors.

12 MR. PRESIDENT:

13 Thank you.

14 [10.55.53]

15 BY MS. TY SRINNA:

16 Q. Thank you, Madam Civil Party.

17 Now, my question focus on your marriage; there is a point which I
18 would like to get your clarification. Based <> on what you told
19 me, you said that parents from both sides attended your wedding;
20 could you tell us that the reason that your parents were allowed
21 to participate in your wedding was because you were <> a member
22 of the revolution; is that correct?

23 (Technical problem)

24 [10.57.14]

25 MR. PRESIDENT:

1 The Chamber would like to inform parties that the internet
2 connection has been frozen.

3 MS. TY SRINNA:

4 Mr. President, I would like to make a request that since the
5 morning until now, there <have> been problems with the internet
6 connection, so can my team and the Co-Prosecutor request for
7 additional time?

8 [10.57.45]

9 MR. PRESIDENT:

10 Civil Party Lawyer, we would like to inform you that you have
11 used <more than 70> minutes already.

12 (Technical problem)

13 [10.58.46]

14 MR. PRESIDENT:

15 Civil Party Lawyer, you may proceed with your question.

16 BY MS. TY SRINNA:

17 Q. Madam Civil Party, do you still remember my last question?

18 MS. HENG LAI HEANG:

19 A. No, I cannot recall it.

20 [10.59.08]

21 Q. Due to time constraint, now, I change my question to a
22 different question; it's about the Vietnamese people.

23 Did you ever hear about the arrest of Vietnamese people?

24 A. Yes, I heard. My family <was> also victimized. We lost a lot
25 of our family members; for example, my uncle who was an ethnic

1 Khmer; his wife was an ethnic Vietnamese and when they had
2 children, their children could not speak Vietnamese; they spoke
3 Khmer, but at that time, because they had a policy that people
4 who were connected to the Vietnamese network or relationship,
5 whether they had Khmer spouse, they were all collected and taken
6 away. They were not spared because they said that because they
7 were in some way related to the Vietnamese, so more or less, they
8 would collude with the Vietnamese, so they would not be spared.

9 [11.00.52]

10 Q. Do you know the person by the name of Sa Kim Ny (phonetic)?

11 A. Sa Kim Ny (phonetic) is my cousin. I said that my uncle
12 married a Vietnamese woman and they <had children named> Sa Kim
13 Ny (phonetic) and Sa Kim Na (phonetic).

14 Q. And did you know what happened to Sa Kim Ny (phonetic)?

15 A. Nothing happened to Sa Kim Ny (phonetic) in 1975; however, all
16 of my relatives disappeared by 1977 since these relatives, who
17 were half-blood with the Vietnamese <even grandchildren>, had
18 been arrested or they had gone and from that family side, only
19 one survived.

20 MS. TY SRINNA:

21 Thank you for your response to my questions and I'd like, now, to
22 hand the floor to the Co-Prosecutors to continue putting further
23 questions to you.

24 MR. PRESIDENT:

25 Thank you, lawyer for civil parties.

34

1 And Co-Prosecutor, you have the floor.

2 [11.02.30]

3 QUESTIONING BY MS. PATEL:

4 Good morning, my name is Nisha Patel. I'm here representing the
5 Office of the Co-Prosecutors along with my colleague, Seng Leang.
6 Ms. Sa Lai Heang, we will ask you a few questions in the next 25
7 minutes that remains.

8 Q. My first question is: You mentioned that a person by the name
9 of Yi on the Sector 505 committee arranged your marriage. You
10 also mentioned that Yi was initially in charge of economy and
11 after Yen (phonetic) was removed as chair, Yi became the chair of
12 Sector 505; would you please confirm what position was Yi holding
13 on the Sector 505 Committee at the time your marriage was
14 arranged?

15 MS. HENG LAI HEANG:

16 A. During the period that I got married, Yi's position was chief
17 of the sector.

18 [11.03.50]

19 Q. You then mentioned that a message was communicated to you
20 through the commune committee with regards to the date you were
21 to be married. You said this message came from the sector; how
22 did you know this?

23 A. Regarding the information on marriage, it was the sector who
24 made their decision and instruction was relayed to the commune
25 and the commune, itself, informed me. They did not inform me in

1 person.

2 Q. To clarify, are you saying that you were verbally told by the
3 commune committee that it was the sector that was arranging your
4 marriage or did you receive a written notice, for example, from
5 the commune committee that had the sector's name or position
6 written on it?

7 A. No, I was told about the marriage.

8 [11.05.28]

9 Q. And when they told you about the marriage, did they say, in
10 particular, who in the sector or did they just say the Sector 505
11 Committee?

12 A. They did not use the code name of the sector; however, they
13 mentioned the name and they mentioned Angkar; that it was
14 instruction from the upper Angkar, and of course, at the sector
15 level, it means it's the sector committee.

16 Q. Was the sector responsible for arranging all marriages within
17 the sector at that time?

18 A. Sector committee did not fully involve in such arrangement
19 since they relayed instructions to the lower level; namely, to
20 the subordinate office chiefs or to the district level <to the
21 Ministry level, and to the head of the office and so on>.

22 Q. But do you know if the instructions or the orders for the
23 marriages to take place within the sector, did they come from
24 Sector 505 committee?

25 A. Please repeat your question.

1 [11.07.38]

2 Q. Did you know whether the orders or the instructions to arrange
3 the marriages within the sector always came from Sector 505
4 committee?

5 A. Not every couple who was arranged to get married came from
6 that level; however, it was the orders relayed to their
7 respective ministries for the marriage. For example, a particular
8 ministry would be responsible for the marriage within the
9 ministry; for an army unit, it would be organized by their
10 respective <sector chief>. And as I said, for <the ministry
11 level>, the office head would be responsible for such event.

12 Q. In your interview with the Office of the Co-Investigating
13 Judges, you stated at answer 28 - quote:

14 "For those who worked in the commune and in the district level,
15 the weddings were arranged by the sector level; while, for other
16 civilians, the weddings were arranged by the commune level."

17 Is this correct?

18 A. Yes.

19 [11.09.23]

20 Q. In your answers this morning to the civil party lawyer, you
21 mentioned that you initially refused to be married, but they
22 persisted; why did they persist?

23 A. There were those who refused to get married, but in the end,
24 they had to get married because when orders were issued for
25 particular people to get married, there was no escape from it;

1 they had to get married, even those people refused.

2 Q. You mentioned that you were in charge of the base at the
3 village and commune level; whilst you held that position, did you
4 ever come across "Revolutionary Flag" magazines?

5 A. At that time, yes, I did receive the "Revolutionary Youth
6 Flag" magazines or maybe that is not the proper names that I
7 <cannot> recall, but it was something revolutionary.

8 Q. Did you recall reading in those magazines or attending any
9 meetings concerning plans with regards to the marriage of people?

10 A. Please repeat your question.

11 [11.11.33]

12 Q. Do you recall reading in those magazines or attending any
13 meetings that discussed CPK policies or plans with regards to
14 forced marriages including the increasing of the population?

15 MR. PRESIDENT:

16 Counsel for Khieu Samphan, you have the floor.

17 MS. HENG LAI HEANG:

18 A. <Yes. I used to read it but -->

19 [11.12.04]

20 MR. PRESIDENT:

21 Civil Party, please hold on.

22 MS. GUISSSE:

23 Thank you, Mr. President. I did not have any objections to the
24 first formulation of the question, but <in> the second phrasing
25 of the question <the Co-Prosecutor is> putting words in the mouth

38

1 of the civil party, so that is problematic for me. So I'm
2 objecting to the way the question was phrased.

3 [11.12.28]

4 BY MS. PATEL:

5 I was simply asking on the subject of the range of topics that
6 one could come across when reading such magazines or attending
7 such meetings. I will rephrase the question.

8 Q. Sa Lai Heang, do you recall reading in any of those magazines
9 or attending any meetings, whilst you were in charge of the base
10 at village and commune level, in regards to topics on marriages?

11 MS. HENG LAI HEANG:

12 A. I cannot recall what I read.

13 Q. What was your understanding of the purpose of such marriages
14 like the one you endured?

15 A. I do not know how to respond to that question. Of course, <if>
16 we look back, we knew that it was not held according to the
17 tradition; however, it was held according to their arrangement,
18 so for us, it became part of a pattern or a practice.

19 [11.14.31]

20 Q. Were you aware of any policies or plans to increase the
21 population or to have strict measures for how many couples are to
22 be married per month?

23 A. They spoke about a principle and the principle that they
24 referred to was to match people in a set of 5-couple events or 10
25 or 15-couple events.

1 Q. This morning, in your answers to the questions from the civil
2 party lawyer, you also mentioned that you were frightened,
3 concerned for your own safety; particularly, when you were told
4 that you were being stubborn. You said that being stubborn meant
5 that -- it would mean that you were resisting them following the
6 Party line or upper echelon; how did you know that this is what
7 stubborn would mean to the CPK cadres?

8 [11.16.10]

9 A. It is difficult to respond to that question. During the
10 regime, they spoke about the directions or instructions that we
11 had to follow and if the instruction was for us to do something,
12 we had to do it. Despite the facts that we liked it or not, we
13 consented to it or not; because <> in the end, we still had to do
14 it and that was done out of fear; for example, we were afraid
15 that we would be accused of opposing their instructional lines.

16 Q. What were the consequences if you resisted them or -- for --
17 or not following the Party line or upper echelon?

18 A. Of course, there could be consequences that first of all, we
19 would be called to be reminded; they would use strict words on us
20 to threaten us that we might be risking for opposing the Party's
21 line. And we were afraid of such consequence; that such
22 consequence could happened to us, and for that reason, we always
23 had to obey the instruction despite the fact that we liked it or
24 not.

25 Some, even after they got married, they could not go along well

1 together and sometimes, they committed suicide in order to end
2 the matter.

3 [11.18.45]

4 Q. In your interview with the Office of the Co-Investigating
5 Judges, you stated at answer 30, "I was scared to lose my own
6 life. If I had not followed the arrangement, my life and my
7 family lives would be in trouble"; is this correct?

8 A. Yes, because it <happened> to those who did not obey the
9 instructions.

10 Q. Were there any CPK officials present at your wedding; if yes,
11 who were they?

12 A. Regarding the event of my marriage, only district and commune
13 level <officials> were present, together with many civilians, and
14 the sector level did not participate since there was a letter
15 sent from the sector that they were busy at the battlefield.

16 Q. In your answers to the civil party lawyer this morning, you
17 also said, "Those who agreed to consummate were not monitored";
18 how did you know this?

19 [11.20.36]

20 A. I observed that those couples who went along <with one
21 another> and they could look each other in the face and as for
22 other couples who did not go along well, they would not dare to
23 look each other in the face and as a consequence, they were
24 subjected to be monitored.

25 Q. Do you know if you were monitored during the first two nights

41

1 that you spent with your husband after being married to him?

2 A. At that time, no because I had my position in the co-operative
3 or community, so no one came close to where I stayed.

4 Q. So did you feel forced to consummate your marriage?

5 A. They did not come to tell us in person and they had to monitor
6 us to see whether we agreed to live along with one another or
7 not; if not, then they would take measures.

8 Q. Did you consummate your marriage?

9 A. No, I did not because, at that time, we did not like one
10 another. Although we slept next to each other, we treated each
11 other as friends and there was no surprise or nothing happened at
12 all.

13 [11.23.26]

14 Q. In your interview with the Office of the Co-Investigating
15 Judges, at answers 31 and 32, you said that newlyweds were spied
16 upon and "Couples were secretly eavesdropped from under the
17 house"; is this correct?

18 A. It happened to other couples and not for my couple.

19 MS. PATEL:

20 Thank you. I will now give the floor to my colleague.

21 [11.24.10]

22 QUESTIONING BY MR. SENG LEANG:

23 Good morning, Your Honours. Good morning, everyone and good
24 morning, Madam Civil Party. My name is Seng Leang. I'm the

25 National Deputy Co-Prosecutor. Due to time constraint, allow me

1 to go straight to my question.

2 Q. This morning, you spoke about two individuals name Yi and Kuon
3 and that Yi was a member of the sector and in your subsequent
4 responses to lawyer for civil parties, you stated that <the>
5 cadres in Sector 505 were also arrested.

6 Can you tell the Chamber, in particular, Yi and Kuon were
7 arrested; if so, when and <> where were they sent to if they had
8 been arrested?

9 MS. HENG LAI HEANG:

10 A. From my recollection, Yi, the sector committee, was called by
11 Zone 304 and after that calling, he never returned.

12 As for Kuon, who was in charge of military affairs, was arrested
13 in <Tuol Kruos (phonetic) in> Snuol district. He was arrested
14 when he was travelling in a Jeep vehicle. At that time, I was
15 standing along the road and I was still pregnant. He was taken in
16 that Jeep and it happened at around 9.30 that morning, although I
17 cannot recall the month or the year.

18 [11.26.32]

19 Q. And did you know where they took the two individuals to after
20 their arrests?

21 A. No, I did not. Later on, I met with his messenger who was
22 wounded in the leg after he was shot and at that time, I was at
23 Samrang worksite. I asked that messenger. He was also a messenger
24 and a driver and he did not dare to say anything about that
25 event.

1 Q. Mr. President, I'd like to show a document to civil party,
2 which is a list of S-21 prisoners from OCP; it's E3/10604 and it
3 states about 171 prisoners who were arrested from Sector 505, and
4 at serial number 150 and 151, there are two names. The first name
5 is at number 150; it's Born Nan, who was 39 years old, and his
6 alias was Yi and the position was secretary of Sector 505 and was
7 arrested and sent to S-21 on 21 March 1978. And the second name
8 that appears is at number 8109; the name is Sann Bun Hy; the age
9 is 36 years old and the alias is Kuon, deputy secretary of Sector
10 505, who was also arrested and sent to S-21 on 21 March 1978.

11 [11.28.38]

12 What I read out is for the proper transcript of the arrest of
13 these two individuals.

14 And I'd like to ask you another question, Madam Civil Party,
15 about other cadres in Sector 505. Did you witness arrest of any
16 other cadres in that sector?

17 A. Besides that event, I did not witness any other arrests;
18 although, I only knew about the disappearance and I knew it
19 through people who were close to those people and they whispered
20 to one another about the arrests. The arrests took place
21 successively until those cadres had all been arrested and their
22 positions were filled by new cadres.

23 Q. Besides the arrest of all those cadres, what happened to their
24 family members, if you know it?

25 A. After the disappearance of the husbands, the wives and the

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1 children were sent to the rear, that is, they were sent at night
2 time on motorboats to the upper part, that is, to Kampong Cham or
3 to <Phnom Penh> area and I did not know where they were sent to
4 <> actually. I only knew that they boarded motorboats heading
5 toward Phnom Penh direction.

6 [11.30.42]

7 Q. Thank you, Madam Civil Party. I'd like now to move on to
8 another topic.

9 This morning, you stated that after the disappearance of your
10 husband and after you were removed from your position, you were
11 taken to a worksite in Samrang and can you tell the Chamber who
12 else were at that worksite?

13 A. At that worksite, there were many other women who had
14 children; some had two, some had three or four children and in
15 total, there were about 20 women who had children and there were
16 also about 15 female youths. So in total, there were over 30 of
17 us.

18 Q. And did you know about the husbands of those women and why
19 were they gathered there?

20 A. Through my conversation with them, some of their husbands were
21 commune chiefs, some were unit chiefs, while others were chief at
22 the rubber plantation or supervisors at the rubber plantation and
23 some of those wives, their husbands were military commanders at
24 the front battlefield. So after their husbands, they had been
25 arrested; those wives had been gathered to be at one place.

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1 MR. SENG LEANG:

2 Mr. President, due to technical glitch this morning, may I ask
3 for additional 10 minutes?

4 [11.33.02]

5 MR. PRESIDENT:

6 You have five minutes to conclude your question.

7 BY MR. SENG LEANG:

8 Thank you, Mr. President.

9 Q. Madam Civil Party, when you arrived at Samrang, did you hear
10 about the security centre named Knong (phonetic) security centre?

11 A. Yes, I heard. The road leading to that centre was in front of
12 my worksite. It was called Knong (phonetic) security centre.

13 Q. What was that Knong (phonetic) security centre used for and
14 <as for> the prisoners there, what were their wrongdoings?

15 [11.34.05]

16 MR. PRESIDENT:

17 Madam Civil Party, please hold on. The floor is given to the
18 defence counsel for Nuon Chea -- to the defence counsel for Khieu
19 Samphan.

20 MS. GUISSSE:

21 Thank you, Mr. President. I object here because I see that the
22 Co-Prosecutor is bringing up a security centre which is not in
23 the scope of the trial. And, he asked for extra minutes and I
24 don't know why we should give him extra minutes to talk about a
25 security centre that is not within the scope of the trial.

1 MR. SENG LEANG:

2 I recall that in the <previous> proceedings in this Chamber, we
3 could ask questions <> although, those questions may not be
4 within the scope of the security centre<> as long as the
5 questions did not go so deep into the matter.

6 [11.35.24]

7 MR. PRESIDENT:

8 The Chamber grants the Deputy Co-Prosecutor to continue putting
9 questions.

10 BY MS. SENG LEANG:

11 Q. Can you tell the Chamber what types of prisoners were put in
12 that security centre?

13 MS. HENG LAI HEANG:

14 A. I only knew that there was an existence of a security centre
15 called Knong (phonetic) security centre, but I did not know what
16 happened inside that centre.

17 [11.36.05]

18 Q. In document E3/436, at answer 18, you said that:

19 "At the security centre, I did not witness the prisoners with
20 heavy offence. For those with heavy offences, <they were sent to
21 another security centre in Samrang, which was called the Knong
22 (phonetic) security centre. There, prisoners were> killed
23 straightaway. And for the prisoners at the security centres, they
24 were <detained> and forced to work. <The prisoners were
25 interrogated and tortured. The prisoners, who were released, told

1 me that they saw gallbladder hanging and they told me that some
2 prison guards ate gallbladder."> Is that correct?

3 A. Yes, that is correct. I want to clarify that I never went
4 there, but I heard it from other people who were released from
5 that <> centre and they told me that they could hear of such
6 incidents in which the prisoners were killed and their
7 gallbladder were removed and eaten by the Khmer Rouge cadres <in
8 order to make them more furious>. Yes, there were such incidents.

9 MR. SENG LEANG:

10 Mr. President, since my time run out, I would like to end my
11 question now.

12 MR. PRESIDENT:

13 It is now convenient time for the lunch break. The Chamber will
14 take a break now and resume this hearing at 1.30.

15 The Chamber would like to invite Madam Civil Party back to the
16 courtroom at 1.30.

17 Security officer, please send Mr. Khieu Samphan to the waiting
18 room downstairs and bring him back to the courtroom at 1.30.

19 The Court is now in recess.

20 (Court recesses from 1138H to 1329H)

21 MR. PRESIDENT:

22 Please be seated.

23 The floor is given to defence counsel for Nuon Chea.

24 QUESTIONING BY MR. LIV SOVANNA:

25 Thank you, Mr. President. Good afternoon, Your Honours and all

1 parties and Madam Civil Party. My name is Liv Sovanna, National
2 Defence Counsel for Nuon Chea.

3 Good afternoon, Madam Civil Party.

4 Q. Can you hear me?

5 MS. HENG LAI HEANG:

6 A. Yes, good afternoon.

7 [13.30.41]

8 Q. Today I have a number of questions to put to you. My first
9 question is that in the morning, you told the Chamber that you
10 were born on the 3rd <of> June 1950; is that <really> your date
11 of birth?

12 (Technical problem)

13 [13.31.57]

14 MR. PRESIDENT:

15 The Chamber would like to inform parties that the internet
16 connection now is disconnected.

17 (Technical problem)

18 [13.32.20]

19 MR. PRESIDENT:

20 Defence Counsel for Nuon Chea, you can resume your questions.

21 BY MR LIV SOVANNA:

22 Q. Madam Civil Party, now, let me repeat my question. In the
23 morning you said that you were born on the 3rd of June 1950; is
24 that your real date of birth?

25 MS. HENG LAI HEANG:

1 A. Yes, it's my real date of birth.

2 Q. I want to know <> in what year was your commune liberated by
3 the Khmer Rouge?

4 [13.33.11]

5 A. It was since 1970.

6 Q. In the morning, you also said that you joined the <revolution>
7 in 1971; I want to know about your position when you served in
8 the revolution.

9 A. At that time, I was the local committee.

10 Q. What do you mean by the local committee in reference to the
11 hierarchy within the revolution?

12 A. It means that I was responsible for disseminating information
13 about the revolution to the Base People in all the villages
14 within the commune.

15 Q. The local committee that you mentioned, was it at the village,
16 commune <or district> level?

17 [13.34.35]

18 A. It was at the commune level.

19 Q. Because you were the one who disseminated information to the
20 local people, did you <hear or > were you ever taught about the
21 12 moral principles <of the revolution>?

22 A. Yes.

23 Q. Do you still recall the 12 principles of morality of the
24 revolution?

25 A. No, I cannot recall them.

1 Q. Because our topic is related to the Regulation of Marriage,
2 Mr. President, I would like to quote from document E3/765, with
3 ERN in Khmer, 00376493 to 94; in English, 00539994; in French,
4 00540024 to 25.

5 [13.35.51]

6 I would like to quote now. It's at the sixth principle of the
7 morality which stated that, "Do not commit any offence against
8 women, that is, do not touch women or men because this will
9 affect our dignity and the tradition and custom of our people."
10 End of quote.
11 Related to the marriage, there is no problem right now as long as
12 we base on the 12 principles of the morality. One is the consent
13 from the couples and second point is the consent from the
14 collective.

15 Madam Witness, do you still recall these principles?

16 A. No, I cannot recall it because it happened a long time ago.

17 Q. That's all right. In your capacity as the local committee of
18 the commune, from what year to what year was -- were you in that
19 position?

20 A. It was from -- it was from 1972 until 1976.

21 Q. When you were in that position, were you promoted to a higher
22 rank, for example, to chief of something?

23 A. No.

24 Q. In your position as the local committee of the commune, based
25 on your own observation and implementation, did you ever attend

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1 the marriage of other people? I do not yet ask about your own
2 marriage, but I ask about the marriage of other people within
3 your locality.

4 [13.38.29]

5 A. I did not get your question.

6 Q. Now, let me repeat my question. In your capacity as the local
7 committee of the commune, did you ever participate or attend the
8 marriage of people in your locality?

9 A. Yes, I did. The selection of couples within the commune <was>
10 arranged or organized regularly.

11 Q. Could you tell us about your participation in that
12 arrangement?

13 A. After they were matched and then each of couple <was> asked<.
14 If> they agreed, then the marriage ceremony would take place and
15 during the ceremony, there <was> also a party <with other people
16 as witnesses>.

17 [13.39.56]

18 Q. If either side of the couple disagree or refuse, then what
19 would happen?

20 A. There would not be any serious problem <> at the base. If
21 people disagreed to get married, there would not be any serious
22 problem.

23 Q. Did parents of both sides participate in decision making?

24 A. We also asked their parents and -- and when we asked them,
25 their parents said it depended on Angkar's wisdom and if both

1 sides of the couple agreed and then it's okay to arrange marriage
2 for them.

3 Q. You said that there was also a party in this ceremony and
4 there were also other people participated in the wedding, so who
5 were they?

6 A. They were from the villages and communes. So any village or
7 commune where the wedding took place, people, including the elder
8 and the young in the whole village or commune, would take a day
9 off and participated in the wedding ceremony and they ate in the
10 wedding feast.

11 Q. What you said, was it happened in DK regime or before that?

12 A. They were the same. I mean before the regime and during the
13 regime, they were the same.

14 [13.42.02]

15 Q. Did you ever encounter that both sides loved each other and
16 they proposed to the local committee or to the local chiefs for
17 their marriage?

18 A. Yes, there were. Sometimes, parents on both sides had already
19 matched the couples since their <children were young> and when
20 the couple became mature and then the parents proposed to the
21 local chiefs for their marriage and the requests were granted.

22 Q. Regarding that particular marriage, was it also included <a>
23 party?

24 A. Yes, there <was>. <They made> cake and <killed> animals for
25 wedding feast.

1 [13.43.26]

2 Q. During that ceremony, was religious ritual <or prayer for
3 ancestors> allowed?

4 A. No, it was not, but people could secretly conduct it and if we
5 knew about their secret <> religious ritual, we pretended not to
6 know.

7 Q. In circumstances when the local chiefs were aware of the <>
8 religious ritual and then they chose to pretend not to know or to
9 be aware of, what -- what do you mean?

10 A. I meant that those people involved could do whatever they did.
11 We did not interrupt their -- their practice; we simply ignored
12 it. That's -- that was what I <> meant.

13 Q. Now, it comes to your story. In the morning, you said that you
14 were asked to get married, but you refused on several occasions.
15 My question to you is: How many times did you actually refuse?

16 A. I refused three times and during my third refusal, they
17 conveyed words to me that I was a stubborn person, that I did not
18 follow the order and when I heard such words, I agreed to accept
19 the marriage because I felt afraid I would be in trouble.

20 Q. What was the time interval between each of your refusal?

21 A. It was about five or six months in between, so after I refused
22 again and again and then they used such words to me.

23 [13.46.01]

24 Q. When they asked you about your marriage, were you informed the
25 name and the position of your husband?

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1 A. Only when I asked them. I asked them who <> my husband <was>
2 and where was he from and then they told me.

3 Q. Related to the three times that they asked you for marriage,
4 was it the same man or different men?

5 A. Different men.

6 Q. I want to get clarification from you, that each time you were
7 asked to get married, it was different man and at each time that
8 you refused, the second time or the third time, it was a
9 different man who you would be matched with; is that correct?

10 [13.47.19]

11 A. Yes, that's correct.

12 Q. How old were you when you get married?

13 A. I was 25 years old.

14 Q. Mr. President, I would like to read the answer from Madam
15 Civil Party given to the Co-Investigating Judge. It's document
16 E3/436 at answer-question <30>. Madam, let me quote. You said
17 that, <> "I was only 18 years old and I did not want to get
18 married. <But because it was arranged, I was afraid that I would
19 be killed.>" So Madam Civil Party, can you tell us what age were
20 you <when you got married>?

21 A. I was 25 years old. <When> I was 18 years old, <> I joined the
22 revolution.

23 Q. How many couples were arranged to get married on the same day
24 with yours and whether it included the party aspect?

25 A. There was only <> my couple, only one, and there was party

1 celebration. They slaughtered <one> cow and <two> pigs <for the
2 wedding feast>. And cakes were also made <in 10 large pans> so
3 the cakes would be distributed to the villagers. <The wedding
4 party was organised for people in two villages.> So, everyone who
5 participated in my wedding received a cake.

6 Q. Had you known your husband before your marriage?

7 [13.49.57]

8 A. Yes, I had known him.

9 Q. After your marriage, did your husband tell you <about> who
10 proposed the marriage? <Did> the proposal come from him or from
11 the Angkar?

12 A. No, he did not tell me.

13 Q. This morning, you said that those <couples> who did not get
14 along well with each other were monitored and for those who got
15 along well, they were not monitored; how did you know that they
16 got along well with each other or not?

17 A. It depended on the reality. <By> reality, I mean that when
18 they lived together, they got along with each other, but if they
19 did not get along with each other; <> they were uncomfortable
20 with each other.

21 [13.51.34]

22 Q. Did you know this by yourself or you heard about it from other
23 people?

24 A. For the couples whom I arranged marriage for them, such cases
25 did not happen, but it happened in other units and I received

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1 this information from other people who were arranged to get
2 married.

3 Q. When you said that they were in other units, <> can you tell
4 us in more detail about this?

5 A. I meant that it happened in other communes, other units and
6 mostly it happened among some people within the revolution.

7 Q. So you -- you mean that this did not happen to the civilian,
8 it happened only to people who served in the revolution; is my
9 understanding correct?

10 A. Yes. <That's correct.>

11 Q. When you said that they were monitored, who monitored them?

12 [13.53.05]

13 A. The ones who monitored them were the people from <within>
14 their own units. They were assigned to monitor them. They wanted
15 to know such information as what were their reactions, what
16 happened between them. <After> they had received the information
17 and then the couples involved would be called to be reprimanded.

18 Q. You said that those who monitored were the ones from the same
19 respective units. Who were they? Were they the -- let's say if
20 the couple who got married was the cooperative chiefs and then
21 who would monitor their chief?

22 A. To conclude, the people who monitored were the people from
23 within the units. They were assigned to monitor <to collect
24 information.>

25 [13.54.27]

1 Q. So the method of monitoring was to collect information.

2 Besides collecting information, was there any other assignment
3 required from the monitors?

4 A. No. Only <collecting> information, reporting <it> to the more
5 superior chiefs and then the superior chiefs would take action.

6 Q. When you said about collecting information, was it collecting
7 information from the couples or from the neighbours?

8 A. I was not <sure> about this <because> I was also engaging with
9 my tasks <and> I did not pay attention or follow the case
10 closely.

11 Q. Who were the ones who had the authority to assign someone to
12 monitor?

13 A. In each unit there was a supervisor. So that supervisor was
14 the one who ordered the monitoring and it was the same person who
15 would order the couples to be reprimanded or educated. The first
16 time the couple would be educated, the second time would be
17 reprimanded.

18 Q. Did you know the reason why monitoring was carried out on
19 those who did not get along well with each other?

20 [13.56.26]

21 A. <I did not quite understand about that.> Because they wished
22 to make sure that those who arranged to get married they must get
23 along with each other and if they could not get along with each
24 other, actions would be taken in the forms of educating them and
25 so on and so forth.

1 Q. I would like you to clarify on one point regarding the
2 education and the reprimanding you mentioned happened in DK
3 regime. Based on your own experience, before DK regime or after
4 DK regime, if any couple did not get along with each other, who
5 had the authority or in the position to mediate or educate them?

6 A. Are you referring to my own experience?

7 Q. I would like to refer to your observation of the society
8 around you. That was before DK regime and after DK regime.
9 When there were cases of any couples who were arranged by the
10 elderly people and they did not get along well with each other,
11 whether you encountered such cases? And if you <> encountered
12 such cases, who were in a position to mediate or educate them?

13 [13.58.18]

14 A. If the women did not get along and then there was a female
15 Angkar <at the district level> or the supervisor of the female
16 <unit> who were the ones in the position to mediate them. But
17 there were no problems regarding that happened in the village and
18 commune.

19 Q. Please, I have one more question. Related to your own
20 experience, when people did not get along with each other, they
21 were either educated or reprimanded. Did you see any other
22 methods besides that?

23 A. No.

24 MR. LIV SOVANNA:

25 Thank you, Madam Civil Party.

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1 And Mr. President, I would like to give the floor to my
2 colleague.

3 MR. PRESIDENT:

4 International Defence Counsel for Nuon Chea, you may have the
5 floor.

6 [13.59.36]

7 QUESTIONING BY MS. CHEN:

8 Thank you and good afternoon, Mr. President, judges, parties and
9 everyone watching.

10 Q. And good afternoon to you, Madam Civil Party. My name is
11 Doreen Chen and I have a few additional questions following on
12 from my colleague, Liv Sovanna, regarding a few different topics
13 that have been discussed today. I do not have very many, so
14 hopefully it won't be very long.

15 My first question is regarding your marriage, and I'm thinking
16 about something that you said earlier this morning and in answer
17 to a question from your civil party lawyer. And this was at about
18 9.46 in the morning. It was regarding the fact that you were told
19 that you were to be married and you said you were informed and
20 then the marriage date was fixed for you. You then said it was
21 about one month in advance.

22 [14.00.31]

23 Now, I understand that at the time that you were married you were
24 living in a different location to your parents. So my question is
25 how did it happen that your parents ended up attending your

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1 wedding? For example, during the one month before your wedding
2 ceremony did you have a chance to invite your parents or what
3 happened? Can you tell us?

4 MS. HENG LAI HEANG:

5 A. During that one-month period, I did not visit my parents in
6 person. However, the commune committee went to see them and to
7 inform them about the event. For the wedding itself, the commune
8 committee invited them to attend.

9 Q. Thank you. That's all that I wanted to ask about your wedding
10 ceremony.

11 Now, I am going to move on to ask you just a few questions about
12 your time at the worksite at Samrang.

13 [14.02.00]

14 Now, this morning at about 10.45, answering a question from your
15 civil party lawyer, you told us that you were sent to a work site
16 at Samrang in Snuol in Kratie. You said that it was located on a
17 small hill and now it's been transformed into a pagoda. It was
18 not a security centre but it was a place where women were
19 gathered up. You also just told my colleague, Liv Sovanna, that
20 you were on the local committee until 1976.

21 So my question, Madam Civil Party, is when were you sent to the
22 work site at Samrang? It's not clear to me so far from your
23 answers.

24 A. I cannot recall it clearly. It could happen in 1978, mid-1978.

25 Q. Thank you, Madam Civil Party. My colleagues have just told me

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1 that perhaps the name of the location was not clear in Khmer due
2 to my poor accent. I want to confirm that you are talking about
3 the work site at Samrang; is that correct?

4 A. Yes.

5 Q. And can you confirm for us how long you remained at that work
6 site?

7 [14.04.10]

8 A. I was there for about five to six months. That is, until the
9 time that the country almost fell. At that time there was an
10 advancement and the area was almost bombarded and then we were
11 relocated to Ou Ruessei and we were treated as depositees.

12 Q. Now, concerning the five to six months when you were at
13 Samrang work site, did you ever notice the arrival of troops of
14 the Revolutionary Army of Kampuchea to be stationed in the area?

15 A. Please repeat your question.

16 Q. Certainly. Regarding the five or six months when you were at
17 Samrang work site did you ever notice -- did you see the arrival
18 of troops of the revolutionary army of Kampuchea to be stationed
19 in the area?

20 A. I am not sure about that because when we were there we were
21 prohibited from going anywhere. We had to stay in during the
22 night and during the daytime we were let out to work. I heard
23 other comrades saying that there was a nearby hospital. And the
24 hospital was to -- for the treatment of the wounded soldiers who
25 were at the Snuol battlefield.

1 [14.06.26]

2 So the wounded and dead soldiers were sent to the hospital. The
3 hospital was located to the east side of the road while we were
4 on the west side. However, we did not have any contact with those
5 wounded soldiers <because we were the offenders.>

6 Q. Moving on to my last line of questions now, Madam Civil Party,
7 and I just want to refer to something that you said earlier this
8 morning, again to your civil party lawyer, and this was at about
9 9.37.

10 What you said was at the time your area was called Sector 505, in
11 the Northeast Zone. My question is did you know who the leader of
12 the Northeast Zone was?

13 [14.07.32]

14 A. At the beginning, that is, in 1970, Yem was the chief and Yi
15 was his deputy. Later on there was Kuon and later on Kong
16 (phonetic). They were leaders in Sector 505 in the Northeast
17 Zone.

18 And there was also another person named Chet.

19 Subsequently, Yem was assigned by the upper echelon to be an
20 ambassador in Korea and his position was replaced by Yi.

21 Subsequently, Chet was called by the upper echelon for a study
22 session and he disappeared and never returned. And there were
23 three other people. Kong (phonetic) was later sent for study
24 session and gone. So, there were only two remaining, Yi and Kuon,
25 at the sector level. And by 1978, the <last two people> also

1 disappeared.

2 Q. You mentioned the disappearance of someone named Chet and we
3 will come back to that in just a few minutes. But before that I
4 want to ask you one follow-up question about what you just said.

5 Now, I heard you describing various leaders at various times of
6 Sector 505. Did you know the name of any leaders above the sector
7 at the Northeast Zone level and, if so, can you tell us those
8 names?

9 [14.10.15]

10 A. I don't know any leader at the zone level. However, I saw one
11 person named Ya, who came down to the area and I saw him for one
12 time only. They said that he came from the zone level although I
13 did not know of his actual position.

14 Q. And in one -- in what context did you see this person named
15 Ya? Can you tell us a little bit more about that event?

16 A. I do not recall the year.

17 Q. Do you know where you saw him? Did he come to visit your
18 commune? Can you tell us anything more about this?

19 [14.11.31]

20 A. I saw him when he came down to visit the base where I lived,
21 that is at Thmei commune.

22 Q. Do you remember if Ya gave a speech or anything like this? Did
23 he give any instructions? Do you have any recollection in this
24 regard?

25 A. When I saw him he did not give any instruction or any

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1 directions. He came to the base in order to understand the
2 current situation at the local level, to understand about the
3 productivity in the area and of course productivity here he
4 refers to farming. And he said that we were encouraged to
5 continue our leadership and for those who did not understand the
6 lines, should be educated so that they <could> probably
7 understand the line.

8 Q. Now, regarding your comments about Sector 505, do you know if
9 Sector 505 ever became an independent sector, independent of the
10 Northeast Zone and if so, do you remember when this happened?

11 A. I heard the sector committee who mentioned that Sector 505 was
12 an autonomous sector. So, everything was managed independently.
13 For example, food regime and everything else within the regime it
14 had to be managed independently.

15 [14.13.56]

16 Q. And do you recall when Sector 505 became autonomous?

17 A. It is likely that it happened from 1974.

18 Q. And now, we are going to return to a subject you briefly
19 mentioned a few minutes ago and that is regarding the
20 disappearance of a person named Chet from your sector. I am going
21 to read to you an answer from your written record of interview to
22 the Investigating Judges and then I just have a few questions for
23 you about your answer. And these are my final questions, Madam
24 Civil Party.

25 Mr. President, this is document E3/436, and I am going to be

1 referring to question and answer 22.

2 Madam Civil Party, I will now read to you the answer that I am
3 interested to know more about, and this is what you said. This is
4 regarding Chet.

5 [14.15.27]

6 "He was the sector committee member of the Communist Party of
7 Kampuchea. I worked with him. I did not witness the rape but my
8 friends told me. Chet was at the place where female units were
9 hosted. Young women stayed at that place in Sambour district. I
10 do not recall where the place was located in. After the rape case
11 was revealed, Chet was removed and executed. Thuch and Ya, who
12 were both zone chairmen from Zone 304, ordered the arrest of
13 Chet. Later on Thuch and Ya were arrested and killed by the order
14 from Son Sen and Ieng Sary and other leaders from the Communist
15 Party of Kampuchea."

16 Madam Civil Party, my first question after that long quote. You
17 mentioned two people, Thuch and Ya and you said that they were
18 zone chairmen from Zone 304. Was that a correct record of your
19 testimony?

20 A. I can recall that that is the case.

21 Q. Can you tell us anything more about this Zone 304? Do you
22 remember where it was, for example?

23 [14.17.40]

24 A. I only heard that it's reference to Zone 304, and I am not 100
25 percent certain about that. To my understanding, it was located

1 in the area of Kampong Cham or Kampong Thom province.

2 Q. And in your answer to the Investigating Judges, you talked
3 about this person, Ya. Is that the same person who we were just
4 speaking about earlier, the person who you met once and who spoke
5 about, among other things, production levels?

6 A. Yes, that is correct.

7 Q. Now, in your answer to the Investigating Judges, as I
8 understood it, you said that these people, Thuch and Ya, ordered
9 the arrest of Chet and then subsequently they themselves were
10 arrested. Did you hear anything else about the circumstances in
11 which Thuch and Ya were arrested?

12 [14.19.10]

13 A. At that time I did not witness the arrest. I only heard people
14 whispering about it, that is, those people who were in the
15 leadership level they whispered about the arrest.

16 Q. And in their whispers did they mention anything about the
17 reasons why Thuch and Ya were arrested?

18 A. No, they did not. They did not mention anything specific. We
19 only heard that they disappeared.

20 Q. And my last question, did you ever hear of any other names by
21 which Thuch or Ya were called?

22 A. No, I did not.

23 MS. CHEN:

24 Madam Civil Party, thank you for your patience.

25 Mr. President, I have no further questions.

1 MR. PRESIDENT:

2 Thank you, counsel for Nuon Chea.

3 And now I'd like to hand the floor to Judge Lavergne.

4 QUESTIONING BY JUDGE LAVERGNE:

5 Thank you, Mr. President. I have several questions to ask of the
6 civil party. Good afternoon, Madam Civil Party.

7 Q. This morning you were asked some questions about the treatment
8 of Vietnamese. Do you hear me?

9 [14.21.10]

10 MS. HENG LAI HEANG:

11 A. Yes.

12 Q. Excellent. And you said this morning that there was a policy
13 that had been put into place regarding the Vietnamese and, if I
14 understood correctly, your family was a victim of this policy
15 because certain people in your family were arrested and
16 disappeared. Can you tell us exactly what this policy consisted
17 of when it was established? And if you know, who initiated this
18 policy?

19 [14.22.02]

20 A. The policy was initiated at the <sector> level and the
21 instruction was disseminated to the district level and further on
22 district levels disseminated them to the commune level and
23 village level. During the regime, Sector 505 was located near the
24 battlefield <with Vietnam. So> initially the fighting was <with>
25 the Lon Nol soldiers and later on the fighting was with the

1 Vietnamese side. <When Vietnam invaded,> they set up the
2 mechanism to counter the Vietnamese.

3 The measures that were meant to educate people at the rear was
4 that for those who were half-blood Vietnamese had to be smashed.
5 Otherwise, when Vietnamese made an entry then they would collude
6 with the Vietnamese side. That was the <set> principle <>.

7 Q. Do you remember as of which date this policy was put into
8 place? Was it from the beginning of the regime as of 17 April
9 1975 or did it start later?

10 A. It happened after the event in 1975. Before that there was no
11 such policy because those people could live as simply as other
12 Cambodian people, that is, living and earning and working in
13 fields but that measure or principle was set up later on.

14 [14.24.32]

15 Q. Do you know if there were orders that residents needed to
16 write their biographies and <if> there were lists of people who
17 <had Vietnamese origins>?

18 A. Yes, there was. At that time they called it "chumrouen"
19 (phonetic) <or census>.

20 Q. And what did this word "chumroeun" (phonetic) mean?

21 A. The word "chumrouen" (phonetic) means to do the screening or
22 <gathering>.

23 Q. Do you know if a distinction was made for people with mixed
24 blood who had one ethnic Khmer parent and one Vietnamese parent?
25 Was a distinction made if the mother was Vietnamese or if the

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1 father was Vietnamese, or as long as one of the parents was
2 considered Vietnamese then <would> all of those people need to be
3 disappeared?

4 [14.26.44]

5 MR. PRESIDENT:

6 I would like to inform the Judge and the parties that the
7 Internet has been disconnected so we have to wait a few minutes.

8 (Short pause)

9 [14.27.34]

10 MR. PRESIDENT:

11 Judge Lavergne, please repeat your last question.

12 BY JUDGE LAVERGNE:

13 Q. Yes. Madam, was there a difference concerning the measures
14 taken towards those who had mixed blood, with one parent who is
15 Vietnamese and another parent who is Cambodian? Was there a
16 difference according to which, it mattered if the mother was
17 Vietnamese or the father was Vietnamese? Or were all of these
18 people, as long as they had one parent of Vietnamese origin,
19 targeted under the elimination measures?

20 MS. HENG LAI HEANG:

21 A. I do not understand your question.

22 [14.28.32]

23 Q. Looking at a case of a family where the mother was Vietnamese
24 and the father was Khmer, in the family who would have been
25 targeted to be eliminated? Would it be only the mother or would

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1 it be the mother and the children? And I have the same question
2 if we look at a couple, but in this case it would be the mother
3 who is Khmer and the father Vietnamese.

4 A. During that period of time, only half-blood Vietnamese people
5 were smashed. For example, if the mother was Vietnamese the
6 mother would be arrested and smashed and later on the half-blood
7 children were arrested and then half-blood grandchildren were
8 also arrested.

9 Some other people who were half-blood survived. Let's say the
10 mother was Vietnamese and the father was Khmer. The children,
11 some of the children survived while others <were> smashed
12 including my uncle's family. <My uncle was also arrested perhaps
13 because he said something against the regime when he could not
14 control his emotion because his> children and <> grandchildren
15 were all gone <>.

16 [14.30.44]

17 Q. So if I understand you correctly, in some families, insofar as
18 there would be <one> grandparent who was of Vietnamese origin,
19 the rest of the lineage would be eliminated. Is that what you are
20 telling the Chamber?

21 A. Yes.

22 Q. In those families was the spouse who was <ethnically>
23 Cambodian also a victim of measures of elimination, or was the
24 spouse was of Khmer origin spared?

25 A. Yes.

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1 Q. So you have told us that those measures were taken at <a>
2 local level and that these measures and instructions came from
3 the district level. Do you know whether the same measures existed
4 at the level of the sector?

5 (Short pause)

6 [14.33.06]

7 MR. PRESIDENT:

8 The Internet has been disconnected again. Please, parties be
9 informed and please wait for a few minutes.

10 Judge Lavergne, you continue your questions.

11 BY JUDGE LAVERGNE:

12 Q. Yes, Madam, I was asking you whether to your knowledge the
13 same instructions existed at the level of the sector, not at the
14 level of the district but at the upper level, that is, the level
15 of the sector.

16 MS. HENG LAI HEANG:

17 A. Yes, it was the same.

18 [14.34.12]

19 Q. So you said that there was a <sorting> policy and <you said,
20 if I understood correctly,> that lists were established. Can you
21 tell us who established these lists and who <were they forwarded
22 to>?

23 A. Regarding the making of lists, it was done from the group to
24 the village and the village to the commune and commune to the
25 higher up.

1 Q. And how did you know that? Were you yourself asked to draw up
2 lists, or did you attend meetings at which that policy was
3 discussed, and how did you know that the same instructions
4 existed at the level of the sector?

5 A. It was the education from the upper echelon down to the lower
6 level. But at my base there were no ethnic Vietnamese. There were
7 only indigenous ethnic group like Phnong, Kouy, <or Khmer Loeu>.

8 Q. And did you yourself attend meetings at the level of the
9 sector or the district or any other level during which that
10 policy was discussed?*****

11 A. They came -- they came to show us the directions or the
12 policy. So they came <from> the district level.

13 Q. When you say "they came", who are those <people> who came?
14 [14.36.52]

15 A. I referred to the people in high authority, those from the
16 district. They came to the commune and those in the commune came
17 to the village, and the <village> were the ones who compiled the
18 statistics.

19 Q. So it was, therefore, a question of educating people. Who had
20 to be educated? Was it all the Base People who were the target
21 group? Was it something complicated to put in place?

22 A. They educated us at the commune. I don't know whether it was
23 difficult to be implemented but what I know is that at my base
24 there were no ethnic Vietnamese. There were only indigenous
25 minorities. At other bases or communes there were such cases but

1 not at my base.

2 Q. Do you know whether people were instigated to denounce persons
3 <they might know> who were of Vietnamese origin?

4 [14.38.59]

5 A. Could you please repeat your question?

6 Q. Were people instigated to report persons who could be of
7 Vietnamese origin?

8 A. As I told you earlier, in their policy they said so, but at my
9 base there were no ethnic Vietnamese and that's why I could not
10 say.

11 Q. Do you know whether those persons of Vietnamese origins were
12 grouped together? Do you know whether transportation was
13 organized and <whether> those persons were sent to specific sites
14 where they may have been executed?

15 A. Based on what I heard, that the first principle would be that
16 they would be sent <back> to <their country>. So at the beginning
17 they were loaded onto trucks and transported to <Vietnam>. But
18 later on when the Vietnamese intensified their attacks and then
19 the ethnic Vietnamese in Cambodia were smashed.

20 Q. And do you know where they were smashed? Were there any
21 particular sites or it was in all the communes? How was that
22 organized?

23 [14.41.45]

24 A. Based on the information I received from my relatives, it took
25 place at villages. Some were smashed at the villages; some were

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1 smashed at the security centre. My aunt in-law who was an ethnic
2 Vietnamese who already changed her citizenship to Cambodian, she
3 did not hold Vietnamese I.D. card. <At that time, ethnic
4 Vietnamese held Vietnamese ID and they paid the ID fee every
5 year.> Because she believed that she had already changed her
6 citizenship, she did not want to go the district because she did
7 not want to be separated from her husband and children. Then she
8 was taken away to the security centre.

9 Q. And which was that security centre?

10 A. It was a security centre at Kaoh Sroka (phonetic). I cannot
11 recall what it was actually called. It was at Kaoh Sroka
12 (phonetic)<, Kantuot commune,> in Kracheh district.

13 Q. Did you also witness executions of persons of Vietnamese
14 origin?

15 [14.43.46]

16 A. No, I never witnessed such incidents.

17 Q. In your commune, in your district <or> sector, do you know
18 whether there were any persons of Cham origin?

19 A. No, there weren't. There were only ethnic Kouy and Phnong.

20 JUDGE LAVERGNE:

21 Thank you very much, madam, for your answers. I have no further
22 questions for you.

23 MR. PRESIDENT:

24 Thank you, Judge Lavergne.

25 It's now a convenient time for a break. The Chamber will have a

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1 20-minute break.

2 The Court is now in recess.

3 (Court recesses from 1444H to 1502H)

4 MR. PRESIDENT:

5 Please be seated.

6 Counsel for Khieu Samphan, you have the floor.

7 [15.03.11]

8 QUESTIONING BY MR. KONG SAM ONN:

9 Thank you, Mr. President. Good afternoon, Judges. Good afternoon,
10 parties and good afternoon, Madam Civil Party. My name is Kong
11 Sam Onn. I am Co-Counsel for Khieu Samphan and I have some
12 questions to put to you.

13 Q. First, I'd like to inquire about your position. You have
14 stated that you were a member of the commune-based committee and
15 I am unsure about that position because in your previous written
16 statement; that is, E3/436 at answer 22, you said that you worked
17 with the sector committee. So please clarify the matter whether
18 you were a member of the commune committee or you were a cadre at
19 the sector level.

20 Madam Civil Party, can you hear me?

21 (Short pause)

22 [15.05.20]

23 MR. PRESIDENT:

24 Parties, please be informed that the internet on the civil
25 party's side has been disconnected. We have to wait.

1 (Technical problem)

2 [15.07.04]

3 MR. PRESIDENT:

4 Counsel for Khieu Samphan, please repeat your last question.

5 BY MR. KONG SAM ONN:

6 Q. Again good afternoon, Madam Civil Party. Can you hear me?

7 MS. HENG LAI HEANG:

8 A. Yes.

9 Q. Thank you. I'd like to ask about your position. You have
10 testified that you were a member of the commune-based committee
11 and that your role was to spread propaganda for people to join
12 the revolution. However, in your previous statement, E3/436 at
13 answer 22, you stated that you worked with the sector committee.
14 So in order to clarify the matter, I'd like to ask about your
15 actual position.

16 Did you work at a sector level and came down to work at the base
17 level with the commune level or were you a member of the commune
18 committee?

19 [15.08.28]

20 A. I was a member of the commune committee and not at the sector
21 level. However, when I said that I worked with the sector it is
22 for the time that sector <committee> came down to work at the
23 commune.

24 Q. Thank you. You also stated that you worked at the
25 commune-based committee for two communes. Besides this position

1 did you hold any other positions?

2 A. No, I did not. My only role was to go and spread propaganda
3 among other people.

4 Q. Can you tell the Court about your immediate supervisor? Did
5 you report to a particular level or a particular office?

6 [15.09.54]

7 A. I had to report to the upper echelon, that is at the district
8 women's committee and usually they came down to work with us at
9 the commune level.

10 Q. Can you give us some names?

11 A. There was Comrade Leang (phonetic).

12 Q. Did you work as a subordinate to Leang (phonetic) for the two
13 communes or was there any change?

14 A. Initially I was at Changkrang commune and later on I worked at
15 the Thmei commune <permanently>.

16 Q. How long did you work for the two communes, that is, at
17 Changkrang and Thmei communes? I noticed some discrepancies in
18 your previous statement and what you stated this morning. You
19 stated that you stopped working in 1977. That is in answer 11 of
20 your previous statement. However, a while ago you said you
21 stopped working at the base in 1976. Can you tell the Chamber why
22 there was such a discrepancy?

23 [15.12.13]

24 A. Regarding the base committee, after we went on a propaganda
25 drive for people to understand and to join the revolution, and

1 that happened in around 1975 and '76, then that base committee
2 <was dissolved>. And they stopped referring to it as base
3 committee and they actually renamed it to commune branch.

4 Q. And what was your actual position in the so-called commune
5 branch?

6 A. I still carry out the same function, that is, to go on a
7 propaganda drive to educate the people, to remind them, to
8 encourage them to engage in agricultural production.

9 And, later on, in around 1976 to 1977, the activities decreased
10 and I was an ordinary member of the village and the commune since
11 the message understood about the movement and, by that time,
12 communal eating and cooperatives were placed -- were put in place
13 and that was administrative structure, that is unit chiefs
14 established at all village and commune level. So I did not engage
15 in that activity that often.

16 [15.14.32]

17 Q. Did you know if the work that you carried out was linked to
18 the work of the Front?

19 A. At the beginning -- at the beginning, I participate in the
20 activities of the Front, that is, when the people did not have
21 full knowledge about the movement, so we had to disseminate this
22 policy of the Front.

23 Q. Thank you. I'd like to get a clear timeline when you stopped
24 working, and you said that you -- your last work when you was a
25 member of the commune branch.

1 And can you tell the Chamber as to which year or which month <>
2 you stopped working for the commune branch?

3 A. I stopped working there in 1977, that is, I no longer had the
4 right to be working there. That is after I was considered as a
5 useless person <because> I became an ordinary member living in
6 the cooperative.

7 [15.16.24]

8 Q. Can you indicate the timeline that -- whether this event
9 happened in a particular month in 1977, that is early, mid- or
10 late '77, when you no longer worked for the commune branch?

11 A. It happened in early period of the year.

12 Q. A while ago, you made mention of a time period that you were
13 transferred to Samrang security centre and you said that you
14 <had> remained there for about six months, that is, between five
15 to six months. Am I correct in making that quote?

16 A. Yes, that is correct.

17 Q. In your same document in question/answer 12, and allow me to
18 quote, Mr. President, that, "I was detained in that security
19 centre for almost two years until the Vietnamese liberated the
20 country." End of quote. Can you tell the Chamber the difference?

21 [15.18.03]

22 A. Maybe the person who took note did not listen to me fully
23 because by that time the Vietnamese troop was advancing towards
24 Snuol and to Samrang, that is, the location where I lived. Then
25 we were relocated to Ou Ruessei commune near Kratie provincial

1 town.

2 Q. In early '77, until the time that you were sent to Samrang
3 security centre, what did you do and where was the location?

4 A. During that period, after I had lost my husband, I was sent to
5 Samrang village - rather to Tuol Samrang or Samrang Hill and I
6 was a member of a group which consisted over 30 women--

7 Q. Allow me to interrupt, Madam Civil Party. I'd like to ask for
8 a particular period, that is the period before you were sent to
9 Samrang security centre, that is, starting from early '77, until
10 the time that you were sent to Samrang. Where were you, that is,
11 after you stopped working at the commune branch?

12 A. I was sent from Thmei commune to Kantuot commune and Rouloit
13 (phonetic), that is, at Rouloit (phonetic) the cooperative. And I
14 lived there and my husband work at Preaek Thay (phonetic) office.
15 And, as I said, we were sent to live in that cooperative.

16 [15.20.29]

17 Q. In your response to Judge Lavergne's question, that is, on the
18 issue of the Vietnamese people, you said that in your sector,
19 that is, in your commune, there were no Vietnamese people living
20 there. Do you recall your response?

21 A. Yes, I do.

22 Q. Can you then tell the Chamber about Thmei commune, Angkrang
23 (phonetic) commune and Kantuot commune that you just mentioned.
24 To your knowledge, did you know whether there were Vietnamese
25 living in these three communes?

1 A. I only know about the situation in Thmei commune but not about
2 other communes.

3 MR. PRESIDENT:

4 Lawyer for Civil Parties, you have the floor.

5 MS. GUIRAUD:

6 Yes, thank you, Mr. President. Just a comment because I'm not
7 sure I understood the same thing, at least in the French
8 interpretation.

9 It seems that in answer to Judge Lavergne's question, <the Civil
10 Party> said there weren't any ethnic Vietnamese in her commune,
11 but I <did not hear> her say that there were no ethnic Vietnamese
12 living in the sector.

13 <I'm not sure what the other parties might have heard, but at
14 least, according to the French interpretation, she said that
15 there were no ethnic Vietnamese in her commune, and she said
16 there were just indigenous people, but she did not specifically
17 refer to the presence of ethnic Vietnamese in her sector>, at
18 least that's what I had written down and that's what I had
19 understood.

20 BY MR. KONG SAM ONN:

21 The civil party made a very clear response. <I> spoke about three
22 communes where she lived and she also mentioned that in Thmei
23 Commune there were Vietnamese living there.

24 Q. And I'd like to ask you, Madam Civil Party, about your uncle.

25 Can you tell the Chamber as to which district or which commune he

1 lived and whether he lived in the same commune and district?

2 [15.23.04]

3 A. He lived in Krolop (phonetic) commune, Saen Monourom. And I
4 did not know the commune or the village clearly, although I knew
5 that he lived in Saen Monourom, that, is in Kratie district.

6 Q. Can you tell the Chamber the distance between where you lived
7 and where your uncle lived?

8 A. The distance was about 30 kilometres.

9 Q. Did you have contact with your uncle during the Democratic
10 Kampuchea regime or did you visit him that often?

11 A. I never made any visit to him during the regime. He was
12 evacuated to Saen Monourom to work in rice field and I never met
13 him since.

14 Q. Were you aware of your uncle's political tendency or, at
15 least, the political tendencies of his family members?

16 [15.24.48]

17 A. What do you mean by "political tendency"?

18 Q. That is his belief in politics.

19 A. I was not aware of that since he lived far away from me.

20 Q. You testified a while ago that you heard about your uncle. Can
21 you tell the Chamber who actually told you about your uncle's
22 situation?

23 A. I forget it. At that time, the person came from his area and I
24 asked the person about him and the person told me why I did not
25 know about my uncle's situation. And I was told that he

1 disappeared, that he had been arrested, and I was shocked upon
2 hearing that. My body shook and I tried to calm myself and to be
3 normal so I would not be noticed by others.

4 Q. Can you tell the Chamber as to when did you receive that
5 information?

6 A. I forget about it.

7 Q. Did you receive that information during the Democratic
8 Kampuchea or after that?

9 [15.26.50]

10 A. It was likely that I received that news after the period of
11 Democratic Kampuchea, that is, after the regime collapsed.

12 Q. You said that it was after the Democratic Kampuchea regime, so
13 that is after 1979. Am I correct?

14 A. It was after 1975.

15 Q. Please try to remember the period again because Democratic
16 Kampuchea regime fell on 7 January 1979, and, from what you said,
17 I gather that you heard of the news after 1979. Am I correct?

18 A. I do not understand your question.

19 Q. Madam Civil Party, could you please repeat your last response?

20 JUDGE FENZ:

21 She said she did not -- sorry, she said she didn't understand
22 your question.

23 [15.28.42]

24 BY MR. KONG SAM ONN:

25 Q. Madam Civil Party, a while ago you said that you learned of

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1 the disappearance of your uncle after the period of Democratic
2 Kampuchea regime, and I'd like to clarify that point.

3 I'd like to ask you as to when or which year after the period of
4 Democratic Kampuchea regime that you learnt of the news; was it
5 after 1979, that is, after 7 January 1979? Am I right?

6 MS. HENG LAI HEANG:

7 A. It was after 1979, that is, he -- I lost him in 1976 or '77.

8 Q. Madam Civil Party, I do not get your response. You said that
9 it's after 1979, it means that it 1980 or 1981, but when you
10 refer to 1976, it means it was <after 1975>. Could you please
11 clarify?

12 A. For me it is difficult to understand. He disappeared in around
13 1976 or '77, but I am not sure whether it was actually '76 or
14 '77.

15 Q. What I want to ask you, Madam Civil Party, is as to when you
16 heard about the disappearance of your uncle and not the actual
17 date that your uncle disappeared. Do you understand my question?
18 [15.30.44]

19 A. Yes, I do.

20 Q. So please respond.

21 A. I learned of the news in 1977.

22 Q. So that meant that it was not after DK regime. Can you clarify
23 to us related to this point, that you learnt about his
24 disappearance during DK regime or after DK regime?

25 A. I do not understand.

1 JUDGE FENZ:

2 (Microphone not activated) - so it was '76 probably.

3 What else do you want her to say?

4 [15.31.48]

5 MR. KONG SAM ONN:

6 When she said that it was in 1976 or '77, she said about the
7 disappearance of her uncle, but here I ask about the information
8 she learnt about the disappearance. So they are different
9 questions.

10 In answering to my question, she said that she learnt about the
11 disappearance after DK regime, so that's why I want her to
12 clarify which year.

13 Mr. President, please inform the civil party to give a clear
14 answer.

15 MR. PRESIDENT:

16 Civil Party, please give a clear answer.

17 MS. HENG LAI HEANG:

18 I cannot recall the exact year. As I told you, he disappeared in
19 the year -- around the years that I told you and I learnt about
20 his disappearance about two or three months later. It was not
21 years, but just a few months later after his disappearance.

22 [15.33.11]

23 BY MR. KONG SAM ONN:

24 Q. A while ago, you also said about the census of Vietnamese
25 people and they were sent back to Vietnam. Can you tell us about

1 the exact year when it happened, when the Vietnamese people were
2 sent back to their country?

3 A. No, I cannot recall the year.

4 Q. Was it before 1975 or after?

5 A. It was perhaps after 1975.

6 Q. Did you witness the transportation of those people yourself?

7 A. Yes, I witnessed they were being transported by vehicles
8 <during the day time and at night> and the remaining people were
9 the half-blooded people. <At first it was believed that as the
10 half-blooded Vietnamese, they would be> somehow forgiven and they
11 were not sent along. <However,> those groups of people <were
12 killed later on>.

13 [15.35.58]

14 Q. Where did you see it?

15 A. At that time, I was at Kantuot village of Kantuot commune.

16 Q. At Kantuot, based on your answer, it was the third location
17 after you had been transferred from Thmei commune and it was -
18 you were there around 1977. Is that correct?

19 A. I do not understand.

20 Q. Did you get my question, Madam Civil Party?

21 A. No.

22 Q. My question is based on your answer. You said that you saw the
23 Vietnamese people being transported from your base and you saw
24 them at Kantuot commune. And based on your answer that you gave
25 to me earlier, Kantuot commune was the third location after you

1 had been transferred from Changkrang and Thmei communes. And you
2 said you were at Kantuot in 1977. <Is> it correct?

3 A. I'm not clear with what you said.

4 Q. When you said you are not clear, what do you mean?

5 [15.36.50]

6 JUDGE FENZ:

7 Everybody asking each other if they don't understand what they
8 means. Why don't you ask very short questions. I think the
9 witness is getting tired.

10 BY MR. KONG SAM ONN:

11 Q. My question that I posed to you were really short. I just want
12 to know whether it was true that she was in Kantuot in 1977. I
13 simply asked her to confirm what she had already answered.

14 Madam Civil Party, can you hear me?

15 (Short pause)

16 [15.38.18]

17 MR. PRESIDENT:

18 Khieu Samphan Defence Counsel, you can continue your questions.

19 BY MR. KONG SAM ONN:

20 Q. Madam Civil Party, can you hear me now?

21 MS. HENG LAI HEANG:

22 A. Yes.

23 Q. I want you to clarify about the time when you saw the
24 <deportation> of Vietnamese people.

25 You said that you saw them being transported when you were at -

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1 in Kantuot commune, and you told me earlier that you were at
2 Kantuot commune in 1977. That was after the time when you stopped
3 working at Thmei commune.

4 I want to ask you that - to confirm with me whether it was in
5 1977 or not?

6 A. When I saw the <deportation> of the Vietnamese people, when I
7 said that it was at Kantuot village, Kantuot village was my
8 native village. And when I came to that village, I saw the
9 <deportation> of those people. It did not mean that I worked at
10 Kantuot commune when I saw the transportation.

11 [15.39.44]

12 Q. Can you tell me about the specific year when you saw the
13 <deportation> of Vietnamese people?

14 A. It was probably in 1973 or '74. It was perhaps in <1972 or>
15 1973. A large number of them had been <deported from Cambodia> by
16 that time.

17 Q. So it means that it was before the total liberation by the
18 Khmer Rouge regime. Is that correct?

19 A. (No interpretation)

20 MR. KONG SAM ONN:

21 President, I have no more question, but my colleague has some
22 question to put to the witness.

23 MR. PRESIDENT:

24 Defence Counsel for Khieu Samphan, you may proceed.

25 [15.40.57]

1 QUESTIONING BY MS. GUISSÉ:

2 Thank you, Mr. President, good afternoon. Good afternoon, Madam
3 Civil Party. I am Anta Guisse. I am International Co-Counsel for
4 Mr. Khieu Samphan and in this capacity I will be putting some
5 follow-up questions to you.

6 Q. My first question is as follows. You stated that you stopped
7 all activities--

8 MR. PRESIDENT:

9 Madam Counsel, based on the information I received, internet
10 connection has been disconnected again. Please wait.

11 (Technical problem)

12 [15.43.16]

13 MR. PRESIDENT:

14 Defence counsel for Khieu Samphan, <please> continue your
15 questions.

16 BY MS. GUISSÉ:

17 Thank you.

18 Q. Madam Civil Party, as I pointed out, I have a few follow-up
19 questions to put you.

20 The first has to do with your duties at the level of the commune.

21 You stated that you <ceased to exercise your duties> in early
22 1977. Did I properly understand your testimony?

23 MS. HENG LAI HEANG:

24 A. Yes.

25 Q. So my first series of questions has to do with your work

1 before early 1977. You stated that as part of your propaganda
2 work you <communicated> with the districts, as well as the
3 sectors.

4 My first question has to do with your relationship with
5 districts. How often did you meet with district officials as part
6 of your duties?

7 [15.44.36]

8 A. I met them once in every three months, so they came once every
9 three months.

10 Q. I will ask the same question regarding the persons who worked
11 in the sector. How often did you meet them?

12 A. Because I was based at the distant commune, I did not meet
13 them often, only when they had important issue to convey they
14 came to meet us. As for us at the lower level, we had no rights
15 to go to meet them.

16 Q. Very well. So, if I understand you correctly, the meetings you
17 had with the people working at the level of the sector were such
18 that they came to see you in your commune. Is that correct?

19 A. Yes, that's correct.

20 Q. You stated that you didn't see them often. My question is
21 whether you recall whether between 1975 and early 1977, when you
22 <ceased> your duties, how many times you saw those people from
23 the sector?

24 A. Since the liberation in 1975, I never met them any more, and
25 because there were disappearances of people one after another

1 though we had no more connection or contacts.

2 [15.46.52]

3 Q. Should I therefore understand that when you saw people from
4 the sector it was between 1972 and 1975; 1972 being the time when
5 you started assuming responsibilities at the level of the
6 commune? Is that correct?

7 A. Yes, that's correct.

8 Q. Can you therefore tell me as regards the officials from the
9 district level, you said that you saw them once every three
10 months. How many times, if you do recall, did you see them after
11 17 April 1975?

12 A. I cannot recall it.

13 [15.47.52]

14 Q. You stated that Sector 505 had functioned autonomously since
15 1974, and you stated that the sector was particularly autonomous
16 as regards food rations, for instance. Can you tell us how you
17 came by that information and who told you about that?

18 A. I received the information from the sector committee. They
19 told us that our sector was an autonomous one.

20 Q. Since you stated that you saw people from the sector only up
21 to 1975, I understand therefore that that information was given
22 to you before 1975. Is that correct?

23 A. Yes, that is before -- that was before 1975.

24 Q. You also stated a while ago that Sector 505 was not far from
25 the battlefields, to echo your own words, and you stated that

1 <first> there was fighting <against the> Lon Nol troops and,
2 subsequently, there was fighting against <the> Vietnamese. My
3 question is, when did the fighting against the Vietnamese
4 <begin>?

5 A. I cannot recall all of it, but what I remembered was that it
6 happened after the liberation of Phnom Penh.

7 [15.50.05]

8 Q. I know that the events occurred a long time ago. <So> I will
9 have to ask you to give us a timeframe, even though <I understand
10 that you cannot give us> exact <dates>.

11 <But, if we use> 1977, <the year you stopped your work, as a
12 point of reference,> can you <then tell us whether> the fighting
13 started <more in> 1975, <the same year as the> liberation, in
14 1976 or <more in> 1977, before or after you stopped working?

15 A. I cannot recall everything. What I can recall was that after
16 the liberation of Phnom Penh, there <was> no conflict yet. About
17 a year later, it was around 1976, in late 1976, there were
18 conflict and the attacks or clashes started to take place.

19 Q. You therefore situate the beginning of the fighting in late
20 1976.

21 A while ago, in answer to a question put to you by Judge
22 Lavergne, you stated that you had heard that there was a policy
23 vis-à-vis the Vietnamese, in any case, "mixed-blood persons", to
24 use your own words. Do you know when you received that
25 information?

1 I understood from your answer to Judge Lavergne's question that
2 you said it was people from the district level who gave you that
3 information, but do you recall during what period? You said the
4 fighting started in late 1976. Do you know whether it was before
5 or after that period?

6 [15.52.29]

7 A. I cannot recall it well because it happened a long time ago. I
8 was confused with the years.

9 Q. And since you are confused as regards the year, if I take as a
10 point of reference the time when you stopped work, would that
11 help you? Was it before or after you stopped work that you
12 received that information?

13 A. Yes, I can recall it now. It was before I was required to stop
14 working.

15 Q. Very well. So it was before early 1977. Do you recall, if we
16 take that as a point of reference, the beginning of the fighting
17 on the border, in any case in the zone, would you recall whether
18 it was before or after the beginning of the fighting?

19 A. I did not get your question clearly. Can you repeat it?

20 [15.54.28]

21 Q. I was again trying to jog your memory. Without recalling the
22 exact date, do you recall when the officials from the district
23 level told you of a policy vis-à-vis persons of Vietnamese origin
24 or "mixed-blood" persons to echo your own words, was it before
25 the fighting in that area or after the beginning of such

1 fighting?

2 A. Relating to the sending of Vietnamese people back to their
3 country, I learnt about this in 1972-'73, in 1973.

4 As for the elimination of the mixed-blood children, it was after
5 the liberation of Phnom Penh. The <deportation> of Vietnamese <to
6 their> country took place before the liberation of Phnom Penh.

7 For the elimination of the remaining mixed-blood Vietnamese
8 children took place after the liberation of Phnom Penh. That is
9 what I can recall. <I cannot recall the date.>

10 [15.56.23]

11 Q. I have indeed understood that, that "second policy" you are
12 referring to, was adopted after the liberation of Phnom Penh.

13 What I am trying to get you to do is to use as a point of
14 reference the time when you said the fighting started in Sector
15 505, in any case, around Sector 505. You have situated the
16 beginning of the fighting in late 1976.

17 Using that date as a point of reference, can you situate the time
18 when you heard people from the district level refer to the issue
19 of the elimination of persons of Vietnamese origin?

20 A. Regarding the elimination of the mixed-blood Vietnamese
21 people, we were informed about that since the early years, but it
22 was not implemented yet. It was only later on. They did not come
23 to repeat what they have already told us about the elimination of
24 the Vietnamese origin or mixed blood.

25 Q. You said in your answer at the beginning of the year. Which

1 year are you referring to?

2 A. The year that we conducted warfare with the Vietnamese. It was
3 perhaps in early 1976.

4 Q. I understood that after 1975, you did not meet people from the
5 sector. Is it correct to say that you therefore did not speak
6 with persons from the sector level regarding that policy, to
7 eliminate persons of Vietnamese origin?

8 [15.59.13]

9 A. Yes.

10 Q. You also stated that you did not go to the sector. I would
11 like to put a supplementary question to you.

12 During the entire period when you exercised your duties at the
13 level of the commune, did you go to other communes as part of
14 your <work>?

15 A. No.

16 Q. Is it correct to say under those circumstances that, if you
17 didn't go to the sectors and if you didn't go to other communes,
18 you <were> only aware of the situation in your own commune?

19 [16.00.22]

20 A. Normally, <I> did not go anywhere and, as a result, <> I could
21 not grasp the situation outside my area. I knew only what was
22 going around me in my place.

23 Q. As regards persons from the district level whom you met and
24 who talked to you about policy aimed at eliminating <the
25 Vietnamese> -- and you did say that heard about that from them --

1 if you do recall, can you give us the names of those district
2 officials who gave you the information regarding that policy?

3 A. It was from Comrade Ros (phonetic).

4 MS. GUISSÉ:

5 Mr. President, I see the time now is 4 p.m. Given the various
6 interruptions we had today, I would like to put 10 more minutes
7 of additional questions to the witness to the civil party, <which
8 I could try to shorten>.

9 Would the Chamber allow me to complete my questioning of this
10 witness?

11 MR. PRESIDENT:

12 Yes, we allow you to have time to finish your questions.

13 [16.02.04]

14 BY MS. GUISSÉ:

15 Thank you, Mr. President.

16 Q. Madam Civil Party, let me proceed then. You stated that it was
17 a certain Ros (phonetic), if I did understand you correctly, from
18 the level of the district who had talked to you about that
19 policy.

20 Do you know that person's full name and what was that person's
21 exact position at the district level?

22 MS. HENG LAI HEANG:

23 A. I did not know the detail; however, <I knew that> he was at
24 the district level and he was in charge of a certain communes
25 within that district.

1 Q. So "<of> certain communes in this district", so <does> that
2 mean that there were other people who were responsible for other
3 communes? And do you know <those peoples' names, in that case>?
4 [16.03.13]

5 A. In the district, there were several communes and those
6 communes formed that particular district.

7 Q. If I understood correctly your previous response, Ros
8 (phonetic) was not responsible for all of the communes in the
9 same district, or did I misunderstand that?

10 A. No, that is not the case.

11 Q. So my question is, do you remember the other person or the
12 other people who were in charge of the other communes of the
13 district?

14 A. I do not recall their names. Later on, those people <> were
15 arrested and killed.

16 Q. Earlier, you responded to one of Judge Lavergne's questions,
17 and I would like to come back to that, because there were two
18 aspects of the question and you answered "Yes", but I wasn't sure
19 exactly to which part you were referring. You said that -- I'm
20 going to re-word my question. Let me start over.

21 When there was a question regarding the elimination of people
22 considered to be of Vietnamese origin, Judge Lavergne's question
23 was, if the Khmer spouses of those who were of Vietnamese origin
24 were spared. Could you answer "yes" or "no". Khmers who were
25 married to Vietnamese or those of Vietnamese origin, were they

1 spared?

2 [16.05.36]

3 A. <In some cases, both> Khmer people and the Vietnamese people
4 were all gone, however, in some <other> cases, only the
5 Vietnamese origins were taken away while the Khmer family members
6 remained. So in some circumstances, some family members remained.

7 Q. So my question now is, insofar as you indicated that in your
8 own commune, there were no people of Vietnamese origin, where did
9 you get this information from? Who gave you this information?

10 A. In the area, there were ethnic minorities, Kouy and Phnong and
11 then there were Khmer. And there were some people who were
12 half-blood Chinese.

13 [16.06.50]

14 Q. So there I understand that you're talking about these ethnic
15 minorities, my question was about the information you got
16 concerning people of Vietnamese origin. How did you get that
17 information since you, yourself, say that you didn't have any in
18 your community? Where did you get this information from; who gave
19 you this information?

20 A. <> When <I> came down to work at the <village> level, <I did
21 not see any of them>.

22 Q. I think we must really have a problem of interpretation
23 because it's just impossible. So I'm going to try to ask the
24 question in another way.

25 I'm sorry, Mr. President: in Khmer, I don't know if it makes

1 sense, but in French it doesn't make any sense at all.

2 You, Madam Civil Party, you said you gave some information

3 concerning Vietnamese, you indicated to the Chamber that there

4 were no people of Vietnamese origin in your commune. So my

5 question is as follows. How did you obtain information about the

6 Vietnamese? Who gave you this information?

7 A. As I have stated, when I went to work at the village at the

8 commune and through that census there were no Vietnamese residing

9 in that commune.

10 Q. My colleague is telling me that my question has been clearly

11 interpreted into Khmer, so I will move on to another question

12 because otherwise -- I will finish on this even if I have other

13 questions.

14 In your WRI <-- and I will finish with this, despite having -

15 more questions, in your WRI> E3/436, you <were> asked the

16 following question -- question 55, and you were speaking about

17 ethnic minorities, the Phnong and Kouy in your <commune>, and you

18 were asked the question:

19 "What happened to these two groups of ethnic minorities? Why did

20 you speak about them?"

21 And your answer was as follows:

22 "Nothing in particular. The Khmer Rouge didn't make a distinction

23 between ethnicities or ethnic minorities, they killed everyone

24 who was a detractor of their regime." <End of quote.>

25 Can you confirm that, <Madam>?

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1 [16.10.07]

2 A. What I meant is that anyone who was against the revolution
3 regardless of their ethnicity, Vietnamese or whatever, and this
4 only refers to individuals.

5 MS. GUISSÉ:

6 Mr. President, thank you for the additional time that you have
7 given me. It's 4:10 pm so I will stop now.

8 [16.10.48]

9 MR. PRESIDENT:

10 Thank you, Counsel.

11 And Madam Heng Lai Heang, as a civil party before this Chamber
12 you may make a statement of harm and suffering in relation to the
13 crimes alleged against the two accused, that is Nuon Chea and
14 Khieu Samphan, and that happened during the period of Democratic
15 Kampuchea from 17 April 1975 to 6 January 1979, and the harms
16 that were inflicted upon you physically, mentally and materially
17 and that were the result of the crimes alleged and that happened
18 to you and that led you to become a civil party in this case to
19 request for collective and moral reparations.

20 If you wish to do so, you have the opportunity to do it now, or
21 you may put the question to the accused through the Chamber.

22 [16.12.03]

23 MS. HENG LAI HEANG:

24 Dear Judges, I would like to inform, Your Honours, that I
25 suffered beyond description during the regime of three years,

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1 eight months and 20 days. I lost 37 family members and relatives
2 during the Khmer Rouge regime.

3 I was matched by Angkar to a man whom I did not like and that I
4 -- he was not my choice through every minute I lived in the
5 regime. I was forced to marry the man that was not my choice and
6 we had to agree with the assignment by Angkar for our own safety
7 and for our own life, and that we had to adopt ourselves to
8 whatever assignment was given to us by Angkar otherwise we risked
9 having problems with our safety.

10 [16.13.26]

11 Personally, I constantly suffered. The husband whom was matched
12 by Angkar was later on arrested and disappeared and I was accused
13 of having linked to a traitor. And for that reason, my right was
14 removed and I became a civilian and, later on, a depositee.

15 I was forced to do all kinds of work since I just delivered my
16 baby, and I was not given sufficient food to eat and I was under
17 constant monitoring by Angkar with as many eyes as pineapples. I
18 had to force myself to work to reach the work plan imposed by
19 Angkar.

20 I did not have any rights and I did not given any proper time to
21 rest. I could not provide comfort to my beloved child. As a
22 result, my child's health became weak and his body was emaciated,
23 and my child was constantly sick and the treatment was very
24 scarce and the nutrition was also scarce.

25 [16.15.06]

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1 As a result, later on my child died. My child died after 1979 as
2 a result of malaria and due to his poor health since after the
3 delivery.

4 And I hoped, Your Honours, would find me justice, that is,
5 justice for me and justice for my family members who lost their
6 lives during the regime. As well as justice for other victims who
7 suffered under the regime of three years, eight months and 20
8 days.

9 And may the Court expedite the proceedings in finding the justice
10 for us. Thank you.

11 [16.16.24]

12 MR. PRESIDENT:

13 Thank you, Madam Civil Party.

14 And the hearing of testimony of Civil Party Heng Lai Heang is now
15 concluded, and the Chamber would like to thank you, Madam Heng
16 Lai Heang, for your testimony as a civil party.

17 Court officer, please liaise with WESU to make an arrangement for
18 the civil party to return to her residence.

19 The Chamber will adjourn now and resume tomorrow, that is,
20 Tuesday, 20 September 2016, commencing from 9 o'clock in the
21 morning.

22 For tomorrow, the Chamber will hear testimony of a civil party,
23 Mom Vun, and after that we begin hearing testimony of a witness,
24 2-TCW-1031, in relation to security centres and internal purges.
25 Please be informed.

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1 [16.17.29]

2 Security personnel, you are instructed to take Nuon Chea and
3 Khieu Samphan back to the ECCC detention facility and have them
4 returned to attend the proceedings tomorrow, that is, Tuesday, 20
5 September 2016, before 9 o'clock.

6 The Court is now adjourned.

7 (Court adjourns at 1617H)

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